



**LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS  
U N D E R L A W**

**STATEMENT OF MARCIA JOHNSON  
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LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW**

**U.S. SENATE  
COMMITTEE ON RULES AND ADMINISTRATION  
HEARING ON  
“STATE AND LOCAL PERSPECTIVES ON ELECTION ADMINISTRATION”**

**MARCH 28, 2023**

## **I. Introduction**

Chairwoman Klobuchar, Ranking Member Fischer, and Members of the U.S. Senate Committee on Rules and Administration, my name is Marcia Johnson, and I am the Co-Director of the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"). Thank you for the opportunity to testify today on state and local perspectives on election administration.

The Lawyers' Committee is a nonpartisan, nonprofit organization formed 60 years ago in 1963 at the request of President John F. Kennedy that uses legal advocacy to achieve racial justice, fighting inside and outside of the courts to ensure that Black people and other people of color have voice, opportunity, and power to make the promises of our democracy real. As part of this work, which continues to be vital today, we convene the national, non-partisan Election Protection coalition, which is made up of nearly four hundred national, state, and local partners. We also administer the 866-OUR-VOTE hotline, which is part of a suite of voter protection hotlines that provides comprehensive assistance at all stages of the voting process to any American who needs it.

I have been with the Lawyers' Committee for Civil Rights Under Law for 19 years and worked to build the first Election Protection program during a presidential election in 2004, just 3 years after the program's inception. In addition to overseeing the work of the Election Protection program, I manage our Voting Rights Project's voter engagement programs and advocacy portfolios which include promoting engagement in the census and the redistricting process; researching the history of discrimination in voting; advocating for the restoration of the full protections of the Voting Rights Act; promoting national and state-based voting reforms that ensure every American has access to the ballot; and advocating for the restoration of voting rights for those with felony convictions.

In my time at the Lawyers' Committee, I have fought for and won many battles for Black voters and other voters of color, but the one that I am most proud of is the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which the U.S. Senate passed by a unanimous vote of 98-0. Since that time, when lawmakers on both sides of the aisle saw protecting the voting rights of Black voters and other voters of color as noncontroversial, many lawmakers seem to have lost their way. Not even 20 years later, Black voters, other voters of color, and even election officials are facing voter intimidation at levels that we have not seen in decades. States are passing laws with the purpose and aim of making it more difficult for voters of color to make their voices heard in the electoral process. And following record turnout in the 2020 presidential election, something that all Americans, no matter their political affiliation, should be proud of, we have seen states and jurisdictions pass restrictive laws that actually

clamp down on the methods that voters used to turnout in record numbers, as if high turnout is something to be ashamed of.

Even in states where turnout remains high, we have seen an increase in the racial disparities in turnout, ballot rejections, and unfounded arrests by newly established election police units proving that our nation still has a long way to go in the journey towards racial equality in voting. Congress must act and it must act now to prevent our democracy from continuing to backslide towards a dark past, where Black voters and other voters of color faced often insurmountable barriers to the ballot box.

## II. Overview of the Election Protection Program

Since 2001, Election Protection has been the go-to-resource for voters seeking comprehensive assistance in navigating and overcoming obstacles in the voting process.<sup>1</sup> Election Protection is the country's largest and longest-running non-partisan voter protection effort. The Election Protection coalition promotes and defends the right to vote through voter education, voter assistance hotlines, text message support, poll monitoring, advocacy with election officials and lawmakers and, when necessary, litigation to remove barriers to the ballot box. Election Protection works year-round, including throughout the primary season, early and absentee voting, and the post-election process when ballots are canvassed and run-offs are held. The Election Protection coalition not only has the 866-OUR-VOTE English hotline administered by the Lawyers' Committee, but also includes a suite of hotlines supporting voters in other languages including the 888-VE-Y-VOTE Spanish hotline administered by the NALEO Educational Fund, the 888-API-VOTE Asian language hotline which supports voters in Cantonese, Hindi, Korean, Mandarin, Tagalog, Urdu, Vietnamese, and Bengali and is administered by APIAVote and Asian Americans Advancing Justice-AAJC; and the 844-YALLA-US Arabic hotline, which is administered by the Arab American Institute. Voters can also receive assistance by texting the hotline, through an online chat system at [www.866ourvote.org](http://www.866ourvote.org), by direct message through the @866ourVote [Twitter](#) or [Instagram](#) accounts, and through the 866-OUR-VOTE Facebook account at [www.facebook.com/866OurVote](http://www.facebook.com/866OurVote).

Our partners work tirelessly around the clock to ensure that every eligible voter who wants to cast a ballot is able to do so. While reports of high voter turnout often focus on the laws that state legislatures enact to either make voting easier or more difficult, our work and the work of all of our partners play an essential role in turnout as well. In fact, the work of the Election Protection program may be more important today than ever before. With a rise in misinformation and disinformation, and the tendency for state legislatures to pass substantial overhauls of their election

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<sup>1</sup> *About Election Protection*, ELECTION PROTECTION, <https://866ourvote.org/about/> (last visited Mar. 24, 2023).

laws over the past decade, voters are more confused, and in some cases, mistrustful of the voting process and our voting systems than ever. Election Protection hotline volunteers take their roles seriously as reliable, trusted, nonpartisan sources of information for voters who provide relevant information on a state-by-state basis.

In addition to providing hotline, text, and online assistance, the Election Protection program provides both legal and grassroots assistance to voters at polling places. In every major election, thousands of attorneys and grassroots volunteers monitor polling locations across the country, meet with election officials at the city, county, and state level, develop and distribute legal and voter outreach materials, engage in legal and policy advocacy, and file litigation when necessary. Election Protection national partner Common Cause coordinates the grassroots program along with state and local partners. Election Protection's legal and grassroots volunteers work hand in hand to answer questions and aid voters at the polls during the early voting period, on Election Day, and now increasingly after election day for voters who wish to cure their ballots.

The Election Protection program has always operated nationwide; however, over the years our state field programs have increased in number. Today, Election Protection has field programs in 33 states. The Program has also grown to include nearly four hundred national, state, and community partner organizations that help provide Americans from coast to coast with accurate and comprehensive voting information and resources. Additionally, in alignment with the founding mission of the Lawyers' Committee, we partner with hundreds of private law firms and corporate legal departments whose attorneys volunteer for our Election Protection Program. In 2022, we partnered with over 136 law firms and legal departments and in 2020, we partnered with over 240 law firms and corporate legal departments.

### **III. What Election Protection Program Saw in 2022**

In 2022, the Election Protection 866-OUR-VOTE hotline received a call volume similar to the volume in 2018. The timing of these calls, however, indicates that far more voters are choosing to vote before Election Day either by voting by mail or voting early in person. In 2018, nearly 50 percent of the calls into the 866-OUR-VOTE hotline were placed on Election Day, yet in 2022 only around 20 percent of the calls received during the election period were placed on Election Day. Election officials and administrators should be aware of and prepare for these trends so that they can ensure their states, cities, and counties have the resources and staff they need to facilitate voting throughout the entire voting cycle. Early voting and voting by mail have the ability to make election administration easier by decreasing the volume of voters that poll workers have to service on Election Day. However, these shifts in voting patterns can also make election administration more difficult because there are more opportunities for bad actors to intimidate voters and spread voting

misinformation throughout the voting cycle. We saw examples of this during the 2022 midterm elections in states across the country. As Election Protection partner and Minneapolis, Minnesota attorney Jon Van Horn explained in November of 2022, "[e]very election cycle our hotline volunteers help someone navigate a problem that might have otherwise prevented them from voting,"<sup>2</sup> and this cycle was no different.

As of 2022, our Election Protection hotline volunteers generally categorize the types of calls they receive into 9 broad issue areas:

- Intimidation and/or Electioneering
- Polling Place Access
- Polling Place Technology
- Polling Place Ballot
- Election Administration
- Voter ID and Registration
- Mail-In and Absentee Ballot
- Health and Safety at Polling Place
- General Voter Concerns
- Questions or Informational Requests

During the 2022 midterm election cycle, the 866-OUR-VOTE hotline received a significant amount of calls in all nine of these categories from several states, with the highest call volume coming from Texas, Michigan, North Carolina, Pennsylvania, and Georgia. The four issue areas where the Election Protection program saw the biggest variation in call volume when compared to the 2020 and 2018 elections were: mail-in and absentee ballot issues, polling place access issues, polling place technology issues, and intimidation and electioneering issues.

#### **a. Mail-In and Absentee Ballot Issues**

In the calls that the 866-OUR-VOTE hotline received on mail-in and absentee ballot issues, callers had questions and concerns about their states' ballot tracking systems, their ballots not arriving on time, and how to fill out their ballot applications. 34 percent of calls to the 866-OUR-VOTE hotline during the 2022 midterm election cycle involved absentee and mail voting. Many of the calls about these issues included both a question and a report of a problem.

#### **b. Polling Place Access Issues**

In the calls on polling place access, callers had questions and concerns about their polling places' compliance with Americans with Disabilities Act ("ADA")

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<sup>2</sup> Gordon Severson, *Election Protection Hotline up and running, staffed by Twin Cities lawyers and paralegals*, KARE (Nov. 7, 2022), <https://www.kare11.com/article/news/politics/election-protection-hotline-up-and-running/89-fe76b08d-43b3-4ec9-ad37-35c69cb286dc>.

requirements, language assistance, and late openings or early closings at their polling places. In Pennsylvania, for example, the hotline received a call from a voter who went to vote before work early in the morning on Election Day, only to find that his assigned polling location was not yet open. That voter did not have the ability to vote later in the day due to his work schedule and was therefore unable to cast a vote. Late openings of polling places happen for several reasons, such as a lack of poll workers or poll workers not showing up, delays in ballot delivery for in-person voting, or breakdown of necessary voting equipment. In the past, the Election Protection coalition has successfully advocated for polling hour extensions in several states to accommodate voters whose polling place opened late; however, not all voters who are initially unable to vote because of a delay may become aware of poll hour extensions.

### **c. Polling Place Technology Issues**

In the calls the hotline received on polling place technology, callers had questions and concerns about the check-in systems at their polling places, issues with voting machines, and issues with ballot scanners at their polling places. In Mercer County, New Jersey, there was a county-wide breakdown of election equipment where scanners refused to accept ballots.<sup>3</sup> Although voters were still able to vote by paper ballot, misinformation began spreading online that voters could not vote at all. The Election Protection hotline received calls from voters in multiple states, including New Jersey, who did not trust paper backup systems like those used in Mercer County and were afraid that their votes would not be counted even though poll workers were following proper procedures.

### **d. Voter Intimidation Issues**

During the 2022 midterm election cycle, the share of the calls the Election Protection hotline received involving voter intimidation or electioneering increased compared to both the 2020 and the 2018 elections. In the calls the Election Protection hotline received about intimidation and electioneering, voters called with concerns about experiencing intimidation both online and in-person, including in some cases, intimidation by election officials, poll watchers, and law enforcement. In Virginia, our Election Protection partner Irene Shin explained how the Election Protection hotline has seen an increase in voter intimidation over the past 3 years. “There was a huge uptick in trends for this kind of intimidating or aggressive behavior...a huge uptick in 2020, for obvious reasons, and we also saw it in 2021 in state elections...”<sup>4</sup>

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<sup>3</sup> *Voting machine malfunction forces Mercer County to tally paper ballots*, FOX 29 PHILA. (Nov. 8, 2022), <https://www.fox29.com/news/election-day-voting-machines-down-mercercounty-voters-instructed-fill-out-standard-ballot>.

<sup>4</sup> Anne Sparaco, *Voter intimidation is on the rise in recent years in Virginia. Here's how to avoid it*, 13NEWSNOW (Nov. 7, 2022), <https://www.13newsnow.com/article/news/local/vote/voter-intimidation-on-the-rise-in-virginia-heres-how-to-avoid-it/291-19ffa30b-4fb3-4ccf-829b-87fb53d61b9c>.

The Election Protection hotline also received numerous reports of voter intimidation near and at ballot drop boxes during the 2022 midterm election cycle. While the Election Protection hotline regularly receives reports of voter intimidation, the 2022 midterm election was the first time that the hotline received numerous reports of bad actors intimidating voters near and around drop boxes. This trend was likely fueled by misinformation and disinformation about the safety and reliability of ballot drop boxes that spread immediately following the 2020 election and has continued to spread. Arizona is one state that had particularly troubling instances of intimidation near drop boxes.<sup>5</sup> There, a federal judge had to enjoin a coordinated group of vigilantes who were openly carrying firearms, wearing visible body armor, and wearing masks to hide their faces while following, yelling at, and recording voters who were dropping off ballots at ballot drop boxes.<sup>6</sup>

One voter wrote to election officials in the Arizona Secretary of State's Office that, "I have never been more intimidated in my life trying to vote and standing only three feet from the box," and "I'm very worried for my safety" after two men standing just a couple of feet away from a drop box filmed the names on the voter's ballot, their mom's ballot, and their son's ballot, along with the voter's license plate.<sup>7</sup>

This disturbing and fairly new trend proves two things. First – election misinformation and disinformation have real consequences. When election misinformation and disinformation are allowed to flow freely in the universe of news and voters' social media feeds, it can encourage bad actors to create crafty, previously unseen schemes to intimidate voters—especially voters of color. Second, as the methods and means of voting evolve, so can the methods and means of discriminatory behavior. If lawmakers, election officials, and federal judges view modern-day voting discrimination only through the lens of whether an act would have been viewed as discriminatory decades ago, then they will miss a whole host of new racially discriminatory schemes tailor-made to discriminate against voters in the 21<sup>st</sup> century. Even if the methods of discrimination are not the same, the intent, purpose, and effects of those methods are the same: to limit the ability of Black voters and other voters of color to make their voices heard and give their voices weight at the ballot box.

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<sup>5</sup> Ali Dukakis, *Cases of alleged intimidation at Arizona ballot boxes continue to rise*, ABC NEWS (Nov. 7, 2022), <https://abcnews.go.com/US/cases-alleged-intimidation-arizona-ballot-boxes-continue-rise/story?id=92811526>.

<sup>6</sup> Ali Dukakis, *Group accused of voter intimidation must stay clear of ballot boxes, judge rules*, ABC NEWS (Nov. 3, 2022), <https://abcnews.go.com/US/group-accused-voter-intimidation-stay-clear-ballot-boxes/story?id=92570068>.

<sup>7</sup> Tami Abdollah, *Arizona becomes epicenter of concerns about ballot drop box security and voter intimidation*, USA TODAY (Nov. 7, 2022), <https://www.usatoday.com/story/news/politics/elections/2022/11/07/2022-midterms-arizona-election-officials-focus-voter-intimidation/8268316001/>.

#### e. Other Issues

One unique issue we saw that had the potential to make it difficult for not only our Election Protection program, but election officials themselves, to facilitate elections was a bill passed in Ohio that sought to ban a wide variety of state and local voter education efforts and threaten election officials who violated the vague law with criminal penalties.<sup>8</sup> This law was passed to prohibit any nongovernmental entity from working with election officials to provide voting information or services.<sup>9</sup> Ultimately, the law had the unintended consequence of preventing houses of worship, such as churches, synagogues, and mosques from being able to encourage people to vote.<sup>10</sup> While the full impact of this law is yet to be seen, it is already clear that Ohio's law added to the list of woes that election officials have to endure every election cycle in addition to other disturbing trends in election administration such as high staff turnover and threats to their personal safety.

#### IV. Racial Disparities in Voter Access and Turnout Widened in Some States in the 2022 Midterm Elections

In *Shelby County v. Holder*, the Supreme Court of the United States struck down the preclearance provision of the Voting Rights Act of 1965, which previously required “covered” jurisdictions to get approval from the U.S. Department of Justice or the U.S. District Court for the District of Columbia before changing their voting practices.<sup>11</sup> One of the key factors that led a particular jurisdiction to be “covered” under the Voting Rights Act was whether that jurisdiction had “significant racial disparities in ballot access.”<sup>12</sup> Evidence shows disparities in voter turnout between Black voters and White voters have continued to increase since the Supreme Court issued its decision in *Shelby County*.<sup>13</sup> Following the 2020 election, many states across the country that were previously covered under preclearance passed restrictive voting laws that made it particularly harder for Black voters and other voters of color to vote. While we are still learning exactly how these laws impacted voters of color during the 2022 Midterm cycle, one thing seems evident: racial disparities in voting access and turnout between Black voters and White voters grew after many of these laws were enacted. As detailed below, the data suggests that racial disparities in

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<sup>8</sup> OHIO REV. CODE ANN. § 3501.054 (West 2021).

<sup>9</sup> Letter from Danielle Lang, Senior Dir., Campaign Legal Ctr., to Dave Yost, Ohio Attorney Gen. (Dec. 2, 2021) (on file with Campaign Legal Ctr.).

<sup>10</sup> Morgan Trau, *Religious groups, legislators butt heads on new election law*, OHIO CAPITAL J. (Feb. 25, 2022), <https://ohiocapitaljournal.com/2022/02/25/religious-groups-legislators-butt-heads-on-new-election-law/>.

<sup>11</sup> *Shelby County, Ala. v. Holder*, 570 U.S. 529 (2013).

<sup>12</sup> STEPHEN B. BILLINGS ET AL., *DISPARATE RACIAL IMPACTS OF SHELBY COUNTY V. HOLDER ON VOTER TURNOUT* (2022).

<sup>13</sup> *Kevin Morris et al., Racial Turnout Gap Grew in Jurisdictions Previously Covered by the Voting Rights Act*, BRENNAN CTR. JUST. (Aug. 20, 2021), <https://www.brennancenter.org/our-work/research-reports/racial-turnout-gap-grew-jurisdictions-previously-covered-voting-rights>.



voting access, voter turnout, and the criminalization of voting may have flowed directly from the restrictive voting bills that many state legislatures passed in 2021 and 2022.

### **a. Mail Ballot Issues in Texas Following SB 1's Passage**

In 2021, the state of Texas enacted SB 1 into law, which fundamentally changed the way that Texans could cast mail ballots and vote early amongst a host of other things.<sup>14</sup> Texas' omnibus voting bill is illustrative of one of the main throughlines in restrictive state voter laws across the country: increased voter access for White, rural counties and restrictions on voter access for urban, predominantly Black and Brown counties.<sup>15</sup> SB 1 increased early voting hours in smaller, primarily rural counties, but it limited early voting hours in larger, predominantly Black and Latino counties, like Harris County that offered 24-hour early voting access or opportunities to vote late at night during early voting.<sup>16</sup> This dynamic is important because many state lawmakers and election officials lift up voting laws that increased access for rural, White voters while simultaneously decreasing access for urban, Black and Brown voters as expanding voting access overall. These lawmakers characterize these laws as making it easier to vote, but in reality, these laws make it easy for White voters to vote and hard for Black voters and other voters of color to vote. Much of the evidence from the 2022 midterm election cycle in Texas and elsewhere bears this out.

For instance, Texas rejected roughly one out of every eight mail ballots in the 2022 primaries due to onerous administrative requirements, such as requiring that voters list the same identification number they originally used to first register to vote, no matter how many decades ago they registered. Asian, Black and Latino voters disproportionately had their mail ballots rejected under these new rules during the March primary.<sup>17</sup> Specifically, 19 percent of Asian voters, 16.6 percent of Black voters, and 16.1 percent of Latino voters had either their applications to vote by mail or their mail ballots rejected in the March 2022 primary under new requirements in

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<sup>14</sup> Lacy Crawford, Jr., *Texas S.B. 1 Discriminates Against Voters of Color*, LAWYER'S COMM. C.R. UNDER LAW (Sept. 7, 2021), <https://www.lawyerscommittee.org/texas-sb-1-discriminates-against-voters-of-color/>.

<sup>15</sup> Alexa Ura, *Gov. Greg Abbott signs Texas voting bill into law, overcoming Democratic quorum breaks*, TEX. TRIBUNE (Sept. 7, 2021), <https://www.texastribune.org/2021/09/01/texas-voting-bill-greg-abbott/>.

<sup>16</sup> Acacia Coronado & Nicholas Riccardi, *EXPLAINER: Details of the final version of Texas voting bill*, ASSOC. PRESS (Aug. 31, 2021), <https://apnews.com/article/health-texas-voting-coronavirus-pandemic-voting-rights-adeea8570592740b202f9d2bab6e0622>.

<sup>17</sup> Natalia Contreras, *Voters of color had mail-in ballots rejected at higher rates than white voters in Texas' March primary*, TEX. TRIBUNE (Oct. 20, 2022), <https://www.texastribune.org/2022/10/20/voting-texas-ballot-rejections/>.

SB 1.<sup>18</sup> Meanwhile, only 12 percent of White voters had their applications to vote by mail or their mail ballots rejected during the same election.<sup>19</sup> Comparatively, in 2020, Texas had a 0.8 percent mail ballot rejection rate and in 2018 the rejection rate was just 1.7 percent.”<sup>20</sup> While these rejection figures were lower for the November 2022 general midterm election, the rejection rate was still 2.7 percent overall, which was nearly double the statewide rate during the 2018 midterm elections and far higher than the national average.<sup>21</sup>

Our team expected that SB 1 would lead to unequal burdens for Black voters and other voters of color and that is exactly why we sued the Lone Star State over its omnibus voter suppression legislation. SB 1 included a whole host of provisions that make it unnecessarily harder for certain people, predominantly people of color, to vote. In addition to the vote by mail restrictions in the bill, the legislation also expands the power of partisan poll watchers by instituting criminal penalties for election officials who obstruct their actions, stripping local election officials of the power to take executive action in emergency situations. The legislation also restricts nearly every method of voting overwhelmingly used by voters of color in 2020, including early voting and ballot drop boxes. In our lawsuit, which we filed on behalf of the Texas State Conference of the NAACP, Common Cause Texas, three election judges, one voter assistant, and one registered voter in Harris County, we allege that these restrictions intentionally and disproportionately impact communities of color.<sup>22</sup> The racial disparities in mail ballot rejection rates during the 2022 election cycle indicate that the laws are having their intended effect.

#### **b. Racial Turnout Disparities Increase in Georgia following SB 202’s Passage**

One common myth that has come out of the 2022 election is that Georgia’s omnibus voter suppression bill, SB 202, was not a voter suppression bill because overall voter turnout reached historic levels following its enactment. But the goal of voter suppression laws, rules, and regulations has never been to stop everyone from voting, the goal has always been to make it harder for Black voters and other voters

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<sup>18</sup> See *id.*; See also Kevin Morris & Coryn Grange, *Records Show Massive Disenfranchisement and Racial Disparities in 2022 Texas Primary*, BRENNAN CTR. JUST. (Oct. 20, 2022), <https://www.brennancenter.org/our-work/research-reports/records-show-massive-disenfranchisement-and-racial-disparities-2022-texas>.

<sup>19</sup> *Id.*

<sup>20</sup> Ashley Lopez, *Despite mail voting changes, ballot rejections remain relatively low in 2022 midterms*, NPR (Jan. 13, 2023), <https://www.npr.org/2023/01/13/1148799521/mail-ballot-rejection-rates-state-tally>.

<sup>21</sup> *Id.*

<sup>22</sup> Lacy Crawford, Jr., *Texas S.B. 1 Discriminates Against Voters of Color*, LAWYER’S COMM. C.R. UNDER LAW (Sept. 7, 2021), <https://www.lawyerscommittee.org/texass-sb-1-discriminates-against-voters-of-color/>.

of color to vote than it is for White voters. Unfortunately, the turnout data in Georgia, when analyzed by race, proves that after the passage of SB 202 the racial turnout gap between Black voters and White voters in the Peach State widened significantly. This is despite the fact that in the U.S. Senate race for Georgia, the candidates for both major parties were high profile Black candidates and that one of the candidates for Governor was also a high-profile Black candidate.

After SB 202's passage, the gap between participation rates for Black voters and White voters increased. In fact, the racial disparities in voter turnout in Georgia during the 2022 midterm cycle not only persisted, but got significantly worse. In the November 2022 election, there was a 13.3 percentage point gap in turnout between White registered voters (58.3 percent) and Black registered voters (45 percent) in Georgia, which was significantly greater than the 8.3 percentage point gap (62.2 percent to 53.9 percent) in the previous midterm election in 2018.<sup>23</sup> The disparity between Black and White voter turnout in Georgia in 2022 was actually higher than it had been in any general election in the past decade.<sup>24</sup>

The administration of Georgia's 2022 midterm elections was eerily tied to Georgia's history of racial discrimination. After Georgia's U.S. Senate race went to a runoff, the state attempted to limit the number of early voting days by interpreting SB 202 to prohibit voters from voting on the Saturday after Thanksgiving.<sup>25</sup> In Georgia, the Saturday after Thanksgiving is a state holiday originally established to commemorate Confederate Civil War General Robert E. Lee. In recognition of this holiday, the state of Georgia argued that SB 202 meant that voters would not be able to make their voices heard at the polls on that day in observance of one of the most treasonous men in United States history. Senator Raphael Warnock was forced to sue state officials to allow Georgia voters to vote on that Monday.<sup>26</sup> Reducing the number of days that voters are able to vote early and exercise their most sacred and fundamental right is not making it "easy to vote." It is making it harder to vote.

We expected that Georgia's SB 202 would make it easier for White voters to vote and harder for Black voters and other voters of color to vote, like Texas' SB 1, so we sued Georgia over its law shortly after the bill was enacted. Our federal lawsuit

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<sup>23</sup> *Georgia Election Results*, GA. SEC'Y STATE, <https://sos.ga.gov/page/georgia-election-results> (last visited Mar. 8, 2023).

<sup>24</sup> Sara Loving & Kevin Morris, *Georgia's Racial Turnout Gap Grew in 2022*, BRENNAN CTR. JUST. (Dec. 16, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/georgias-racial-turnout-gap-grew-2022>.

<sup>25</sup> Maya King & Neil Vigdor, *Georgia's Senate Runoff is Complicated by 2021 Voting Law*, N.Y. TIMES (Nov. 14, 2022), <https://www.nytimes.com/2022/11/14/us/politics/georgia-senate-runoff-holiday-rules.html>.

<sup>26</sup> Sam Levine, *Raphael Warnock sues Georgia over early voting restrictions for runoff*, THE GUARDIAN (Nov. 15, 2022), <https://www.theguardian.com/us-news/2022/nov/15/raphael-warnock-sues-georgia-early-voting-restrictions>.

over SB 202 was on behalf of the Georgia State Conference of the NAACP, Common Cause, the Georgia Coalition for the People's Agenda, Inc., the GALEO Latino Community Development Fund, Inc., League of Women Voters of Georgia, and the Lower Muskogee Creek Tribe.<sup>27</sup> We specifically sued over SB 202's provisions restricting ballot drop boxes, prohibiting voters from receiving food or water while they wait in line to vote, making it harder to vote absentee, and allowing the State Election Board to take over county election boards, which would give the State Election Board unprecedented authority to target jurisdictions with a large population of Black voters and other voters of color.<sup>28</sup>

Many of the restrictions and prohibitions in SB 202 specifically track or target the ways in which Black voters in Georgia vote. For example, data showed that Black voters in Georgia were far more likely to have to stand in long lines to vote than White voters in both the 2020 election and previous election cycles.<sup>29</sup> Georgia lawmakers, likely aware of this data, included provisions in SB 202 that penalize voters who are forced to wait in long lines by criminalizing the simple act of individuals and charitable organizations providing water to voters while they wait.<sup>30</sup> Our lawsuit is still pending in federal court and our litigation team is actively working on this case to ensure that Black voters and other voters of color in Georgia receive relief before the 2024 general election, so that the racial disparities we saw in 2022 do not carry over into the next election.

### **c. Florida Election Police Unit Disproportionately Arrested Black Floridians**

In April of 2022, Florida enacted legislation establishing an election police unit.<sup>31</sup> The stated purpose of this special police force was to pursue voter fraud and other

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<sup>27</sup> Ian Weiner, *Georgia's SB202 is a Culmination of Concerted Efforts to Suppress the Participation of Black Voters and Other Voters of Color*, LAWYER'S COMM. C.R. UNDER LAW (Mar. 29, 2021), <https://www.lawyerscommittee.org/georgias-sb202-is-a-culmination-of-concerted-efforts-to-suppress-the-participation-of-black-voters-and-other-voters-of-color/>.

<sup>28</sup> Complaint, Georgia State Conference of the NAACP v. Brad Raffensperger, 1:21-mi-99999-UNA (N.D. Ga. 2021), <https://lawyerscommittee.org/wp-content/uploads/2021/03/2021-03-28-complaint-as-filed-with-temporary-case-number.pdf>.

<sup>29</sup> Stephen Fowler, *Why Do Nonwhite Georgia Voters Have To Wait In Line For Hours? Too Few Polling Places*, NPR (Oct. 10, 2020), <https://www.npr.org/2020/10/17/924527679/why-do-nonwhite-georgia-voters-have-to-wait-in-line-for-hours-too-few-polling-pl>.

<sup>30</sup> Complaint, Georgia State Conference of the NAACP v. Brad Raffensperger, 1:21-mi-99999-UNA (N.D. Ga. 2021), <https://lawyerscommittee.org/wp-content/uploads/2021/03/2021-03-28-complaint-as-filed-with-temporary-case-number.pdf>.

<sup>31</sup> Maryam Saleh & Ese Olumhense, *DeSantis' Election Police Have Largely Flopped in Florida Voter Prosecutions. A New Law Aims to Change That*, REVEAL (Mar. 9, 2023), <https://revealnews.org/article/desantis-election-police-have-largely-flopped-in-florida-voter-prosecutions-a-new-law-aims-to-change-that/>.

election crimes following false claims that the 2020 presidential election was stolen.<sup>32</sup> The new police force, officially named the Office of Election Crimes and Security arrested 20 individuals in August of 2022 and the racial disparities in arrests were appalling. While Black Floridians made up just 14.5 percent of the state’s population in the 2020 Census, at least 15 of the 20 individuals arrested by the new police force—a whopping 75 percent—were Black.<sup>33</sup>

Many of these voters were told they were eligible to vote and sent voter registration cards directly from the state. Florida’s efforts to criminalize elections represent another example of the startling trend of voter intimidation under the color of law. These tactics are designed to scare Black voters and other voters of color away from the ballot box, if not outright disqualify them.

This significant racial disparity in arrests under Florida’s new law and the failure of the newly established police force to secure convictions<sup>34</sup> show that Florida is not serious about ensuring its elections are secure, but is serious about intimidating and harassing Black voters and other voters of color.

#### **d. Racial Disparities in Voter Turnout in States Across the Country**

In 2022, the racial voting turnout gap was wider than it had been in years in many states. For example, in South Carolina turnout among voters of color was the lowest it had been in at least a generation, according to South Carolina election participation data.<sup>35</sup> In the Palmetto State, while overall turnout among registered voters was 45.9 percent, White voter turnout was slightly higher at 50.6 percent and non-White turnout was significantly lower at 34.99 percent. That is a greater than 15 percentage point gap in turnout between White voters and voters of color.

In South Carolina’s neighbor to the north, North Carolina, 58 percent of White registered voters voted in the 2022 general election compared to just 41.8 percent of registered Black or African American voters. Ultimately, White voters had the

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<sup>32</sup> Gary Fineout, *DeSantis signs bill creating one of the nation’s only election police units*, POLITICO (Apr. 25, 2022), <https://www.politico.com/news/2022/04/25/desantis-florida-election-police-units-00027577>.

<sup>33</sup> Sergio Bustos, *Crist decries voting-fraud arrests after body cam video shows voters shocked by felony charges*, TALLAHASSEE DEMOCRAT, <https://www.tallahassee.com/story/news/politics/elections/2022/10/19/charlie-crist-ron-desantis-voting-fraud-arrests-police-body-camera-florida/10539631002/> (last updated Oct. 20, 2022).

<sup>34</sup> Gary Fields et al., *New state voter fraud units finding few cases from midterms*, ASSOC. PRESS (Nov. 26, 2022), <https://apnews.com/article/2022-midterm-elections-voting-rights-florida-georgia-4db14ddccf37e4597cb9b7f20ec499b4>.

<sup>35</sup> Zak Koeske, *Non-white SC voter participation plummeted in 2022 midterms*, THE STATE (Dec. 31, 2022), <https://www.thestate.com/news/politics-government/article270262872.html>.



highest voter turnout percentage compared to all other racial groups.<sup>36</sup> This disparity was similar to the disparity in South Carolina in that it was higher than recent gaps in voter turnout. Disturbingly, the gap in turnout between White and Black voters in North Carolina’s midterm elections soared from 5 percentage points in 2014 to 8 points in 2018 to roughly 16 percentage points in 2022.<sup>37</sup>

There was a similar gap in racial voter turnout in Louisiana, where 52.56 percent of White eligible voters cast a ballot in 2022 compared with only 37.85 percent of eligible Black voters.<sup>38</sup> Ohio, where an estimated 61.2 percent of eligible White voters participated in Ohio’s 2022 election, only saw 26.2 percent of eligible Black voters vote in the 2022 midterm election, a whopping 35-point difference.<sup>39</sup> When analyzing voter turnout, it is not enough to examine the overall number of voters who are casting a ballot in each state, lawmakers and election officials must also examine who is voting. The significant racial disparities in states across the country in 2022 are shameful and emphasize the need for this body to act by passing federal voting rights legislation that ensures all voters are able to participate in this nation’s democracy and that states are not able to enact laws that make it easier for White voters to vote and harder for Black voters and other voters of color to vote.

## **V. Recent Supreme Court Decisions Illustrate the Need for Federal Voting Rights Protections and Basic National Voting Standards**

### **a. *Shelby County v. Holder***

This year marks the 10th year that Black voters and other voters of color have been without the full protections of the Voting Rights Act. The U.S. Supreme Court has now weakened the Voting Rights Act twice in the past decade—first in *Shelby County v. Holder* in 2013 and again in *Brnovich v. DNC* in 2021. While the Lawyers’ Committee is hopeful that the Supreme Court will not further weaken the Voting Rights Act with its decision in *Merrill v. Milligan*, where a three-judge panel ruled that Alabama’s refusal to draw another majority Black Congressional district was a clear-cut violation of Section 2 of the Voting Rights Act, the risk that the trend of weakening the VRA will continue is real.

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<sup>36</sup> 2022 General Election Turnout, N.C. STATE BD. ELECTIONS, <https://www.ncsbe.gov/resultsdata/voter-turnout/2022-general-election-turnout> (last visited Mar. 7, 2023).

<sup>37</sup> Bob Hall, *NC voter turnout in the midterms: What the data show for various groups*, THE PULSE (Dec. 8, 2022), <https://pulse.ncpolicywatch.org/2022/12/08/nc-voter-turnout-in-the-midterms-whatthe-data-show-for-various-groups/#sthash.QNHe0dH5.w2aLakDb.dpbs>.

<sup>38</sup> *State Wide Post Election Statistical Report*, LA. SEC’Y STATE, [https://electionstatistics.sos.la.gov/Data/Post\\_Election\\_Statistics/statewide/2022\\_1108\\_sta.pdf](https://electionstatistics.sos.la.gov/Data/Post_Election_Statistics/statewide/2022_1108_sta.pdf) (last visited Mar. 8, 2023).

<sup>39</sup> Lawyers’ Committee for Civil Rights Under Law estimate. Turnout by race estimated using Ecological Inference.

In *Shelby County v. Holder*, the U.S. Supreme Court invalidated Section 4(b) of the Voting Rights Act of 1965, the section of the bill that included the coverage formula governing which jurisdictions would be subject to the preclearance procedure outlined in Section 5 of the Act. The Supreme Court essentially nullified the provision of the VRA that required jurisdictions with a history of voting discrimination to get federal approval before enacting new voting laws. This decision opened the floodgates for the voter suppression legislation and procedures that are so prevalent today.

The very day of the *Shelby County* decision, Texas chose to implement its voter ID law, which had been previously found to be discriminatory. Since then, many states have followed Texas' example by enacting laws that have made it harder for voters, particularly voters of color, to access the ballot box. Over the past decade, state legislatures, particularly the states that previously had to submit voting changes for preclearance review, have focused on passing laws making it harder to vote or enacting processes that:

- Require voter ID where voters had limited options of the type of IDs they could use to vote;
- Make it harder to get on or stay on voter registration rolls;
- Consolidate or close polling places with little or no notice to voters; or
- Make it harder for voters to vote by mail or vote early.

In 2016, the U.S. Court of Appeals for the Fourth Circuit determined that North Carolina's omnibus voter suppression law, which was passed a month after the *Shelby County* decision, was enacted to "target African Americans with surgical precision."<sup>40</sup> Just as it took the Fourth Circuit three years to issue that decision, courts have been slow to issue decisions in court cases involving restrictive state voting laws passed by states in 2021 and 2022, making it unclear whether Black voters and other voters of color will be protected from these laws before the next presidential election in 2024.

Since the U.S. Supreme Court's decision in *Shelby County v. Holder*<sup>41</sup>, the U.S. Senate has failed to pass any legislation that would fully—or even partially—restore the Voting Rights Act of 1965. In fact, the last time that the Senate voted to restore the Voting Rights Act was in 2006. While much attention is often paid to what has happened since that 2013 decision, with state legislatures across the country passing waves of voter suppression laws, it is worth revisiting what happened before 2013, when Black voters and other voters of color maintained the full protections of the Voting Rights Act of 1965.

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<sup>40</sup> North Carolina State Conf. of NAACP v. McCrory, 831 F.3d 204, 215 (4th Cir. 2016).

<sup>41</sup> *Shelby County, Ala. v. Holder*, 570 U.S. 529 (2013).

As Justice Ginsburg laid out in her dissent in *Shelby County v. Holder*, “between 1982 and 2006, DOJ objections blocked over 700 voting changes based on a determination that the changes were discriminatory.”<sup>42</sup> Further, “Congress found that the majority of DOJ objections included findings of discriminatory intent . . . and that the changes blocked by preclearance were ‘calculated decisions to keep minority voters from fully participating in the political process.’”<sup>43</sup> Justice Ginsburg cited this evidence, and more, to suggest that it was “indeed sufficient to support Congress’ conclusion that ‘racial discrimination in voting in covered jurisdictions remained serious and pervasive.’” The evidence in 2023, a decade after the *Shelby County v. Holder* decision, continues to show that racial discrimination in voting remains “serious and pervasive.” Justice Ginsburg predicted that this would be the case when she warned that “throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”<sup>44</sup> Ten years after that decision, it is raining cats and dogs on Black voters and other voters of color in the jurisdictions that were previously subject to preclearance.

While much is often said about the damage the U.S. Supreme Court did in its decision in *Shelby County v. Holder*, less attention is given to the guidance that the Court gave Congress for restoring the full protections of the Voting Rights Act. In the majority opinion in *Shelby County*, Chief Justice John Roberts wrote, “Congress—if it is to divide the States—must identify those jurisdictions to be singled out on a basis that makes sense in light of current conditions. It cannot rely simply on the past.”<sup>45</sup> While, as the dissent acknowledged in *Shelby County*, Chief Justice Roberts’ characterization of Congress’ analysis of current conditions before the 2006 reauthorization was misguided at best, it is shameful that the U.S. Senate has failed to pass legislation rewriting the formula in Section 4(b) or otherwise attempting to restore the full protections of the Voting Rights Act of 1965 in the 10 years since that decision.

The current data from the 2022 midterm elections show that racial disparities in voter turnout, criminal enforcement of voting laws, access to the ballot, and several other indicators of racial discrimination in voting have continued to worsen in the years since the *Shelby County* decision. Ten years ago, when the U.S. Supreme Court struck down the coverage formula in the Voting Rights Act, it did not tell Congress to rest on its laurels. It gave members of Congress clear directions on how to restore protections for Black voters and other voters of color. In order to restore these essential protections and reverse the trend of state legislatures passing restrictive

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<sup>42</sup> *Id.* at 571.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 532.



voting laws and Black voters continuing to face gaps in voter access and participation in states across the country, this body must get serious about passing legislation to restore the Voting Rights Act and enact baseline national standards for voting. This is not a partisan issue, it is a human rights issue.

Elections are not just about who wins or how many people are able to vote, they are about which voters are able to vote, the burdens that they are forced to overcome to do so, and their ability to select the representatives of their choice. As long as Black voters and other voters of color continue to be targeted with voting laws and procedures that diminish their opportunity to participate in the democratic process, the promises of American democracy will continue to go unfulfilled.

### ***b. Brnovich v. DNC***

In his majority opinion in *Shelby County v. Holder*, Chief Justice John Roberts wrote that under Section 2 of the Voting Rights Act “injunctive relief is available in appropriate cases to block voting laws from going into effect...Section 2 is permanent, applies nationwide, and is not at issue in this case.”<sup>46</sup> Presumably, Chief Justice Robert described Section 2 this way in the decision that stripped the teeth out of Section 5 to highlight it as an alternative option for voting rights litigants to seek relief against racially discriminatory voting laws, practices, or procedures. It is perhaps ironic then, if not inexplicable, that just eight years later, the Court decided to weaken those remaining protections.

In 2021, the U.S. Supreme Court weakened Section 2 of the Voting Rights Act, which Chief Justice Roberts previously described as “permanent.” Section 5 of the Voting Rights Act governing preclearance, which the court functionally nullified by striking down the coverage formula in Section 4(b) in *Shelby County*, served as a prophylactic measure, preventing states from enacting discriminatory laws in the first place.<sup>47</sup> Yet, the power of Section 2 in vote denial “results” cases, apart from it being applicable nationwide, was that voting rights litigants could still turn to it after *Shelby County* to stop discriminatory laws that were enacted from ever going into effect.<sup>48</sup> In *Brnovich v. DNC*, the Supreme Court made it unnecessarily more difficult for plaintiffs to bring cases under the portion of Section 2 of the Voting Rights Act that governed vote denial “results” cases.

Prior to the U.S. Supreme Court’s decision in *Brnovich*, Section 2 of the VRA functioned as a vehicle for civil rights litigants to stop discriminatory voting laws in

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<sup>46</sup> *Id.* at 537.

<sup>47</sup> Sonia Gill, *Congress Must Act to Protect the Right to Vote*, ACLU, <https://www.aclu.org/news/voting-rights/congress-must-act-to-protect-the-right-to-vote> (last updated Dec. 6, 2019).

<sup>48</sup> Hayden Johnson, *Vote Denial and Defense: A Strategic Enforcement Proposal for Section 2 of the Voting Rights Act*, 108 GEORGETOWN L.J. 2 (2020).

their tracks after they had already been enacted. The U.S. Court of Appeals for the Ninth Circuit interpreted Section 2 as prohibiting the state of Arizona from continuing to implement its racially discriminatory out-of-precinct policy and absentee-ballot collection laws, which each made it more difficult for Black, Latino, and Indigenous voters to vote. While the Supreme Court did not completely invalidate Section 2 of the Voting Rights Act in the same way that it invalidated the preclearance formula in *Shelby County v. Holder*, the Court did grossly disregard Congress' intent in originally passing and later amending the Voting Rights Act by establishing ambiguous, narrow, and unproven criteria that plaintiffs are required to meet to successfully establish a Section 2 violation.

While many of the “guideposts” the Court created out of whole cloth in *Brnovich* are irrelevant when analyzing a claim alleging racial discrimination in voting, one of the most egregious factors is whether the challenged practice was a “standard practice when § 2 was amended in 1982.” Earlier in my testimony, I described how many voting practices and patterns have changed over just the past two most recent federal elections in 2020 and 2018. These substantial changes illustrate exactly why looking back to 1982 to determine whether a voting law, regulation, or procedure is discriminatory is unreasonable.

Looking back to a static date in time does not make any sense whether one is analyzing Americans' ability to work remote, analyzing which methods of transportation most Americans use, or the way Americans vote. Yet, under *Brnovich*, if a state saw a significant shift in the methods that Black voters were using to vote between 2018, 2020, and 2022 and then changed its laws to prevent those voters from using their preferred method of voting, this particular “guidepost”—if read literally—would favor upholding that law.

Just as Congress must swiftly pass legislation to fully restore the Section 4(b) of the Voting Rights Act of 1965, Congress must also pass legislation to fully restore Section 2 so that courts are required to interpret this section of the law as Congress intended when it passed the 1982 Amendments to the VRA.

### ***c. Purcell v. Gonzalez***

In 2006, the U.S. Supreme Court issued its decision in *Purcell v. Gonzalez*, reversing the U.S. Court of Appeals for the Ninth Circuit's earlier decision to block an Arizona voter ID law during the 2006 midterm election cycle.<sup>49</sup> The Supreme Court's reason for reversing the ruling was based in part on the Court's view that it was too close in time to the midterm election for the Ninth Circuit to issue a decision changing the state's voter ID law. Since the Supreme Court issued this decision, it has become increasingly difficult to successfully challenge voting procedures adopted

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<sup>49</sup> *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam).

or implemented close to an election. Moreover, civil rights litigants, election officials, and even judges themselves do not have clarity on what period of time is too close to an election because the Supreme Court has never articulated a clear standard. As a result, unconstitutional laws, such as the anti-line warming provision in Georgia’s SB 202 have been allowed to proceed due to timing even after courts find that the plaintiffs have the probability of success on the merits.

**d. Congress Must Enact Federal Legislation that Restores the Voting Rights Act of 1965 and Sets Baseline National Voting Standards**

While the Elections Clause of the United States Constitution gives states the ability to set the “Times, Places, and Manner” of holding federal elections, it also gives the U.S. Congress the power to “make or alter” states’ election laws, practices, and procedures.<sup>50</sup> As the Supreme Court of the United States continues to weaken the Voting Rights Act of 1965 and allow discriminatory voting laws to impact elections based on elastic and inconsistent interpretations of the amount of time remaining before an election, Congress must act to implement baseline national voting standards using its powers under the Elections Clause. Reforms such as requiring each state to offer 14 days of early voting, preventing poll watchers from harassing or intimidating voters, and allowing all voters to cast their votes by mail, would go a long way towards ensuring that states enact voting laws that increase the opportunities that all Americans have to vote rather than limit them.<sup>51</sup>

Congress should also enact legislation to fully restore the Voting Rights Act of 1965 and ensure that states cannot enact laws that target Black voters and other voters of color. Reforms like many of those included in the John Lewis Voting Rights Advancement Act would provide the U.S. Department of Justice and civil rights organizations with the tools they need to invalidate or successfully challenge discriminatory voting laws that make it increasingly difficult for Black voters and other voters of color to access to the ballot.<sup>52</sup> Congress should also revisit the provision in the John Lewis Voting Rights Advancement Act that addresses the *Purcell* Principle by clarifying the circumstances under which it is appropriate for federal courts to grant relief in emergent voting rights litigation. Without action from Congress, Black voters and other voters of color may face yet another federal

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<sup>50</sup> U.S. CONST. art. I, § 4, cl. 1.

<sup>51</sup> Will Wilder & Elizabeth Hira, *How the Freedom to Vote Act Can Blunt the Worst of Texas’s Voter Suppression Law*, BRENNAN CTR. JUST. (Dec. 15, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/how-freedom-vote-act-can-blunt-worst-texas-voter-suppression-law>.

<sup>52</sup> Ian Weiner, *House of Representatives Passes John Lewis Voting Rights Advancement Act*, LAWYER’S COMM. C.R. UNDER LAW (Aug. 24, 2021), <https://www.lawyerscommittee.org/house-of-representatives-passes-voting-rights-advancement-act/>.

election—the presidential election of 2024—without receiving relief from discriminatory voting laws that were passed years ago.

## VI. Conclusion

While the 2022 midterm elections may not have been a disaster or led to a potential constitutional crisis in the way that the 2020 presidential election did, they were not ideal, especially for Black voters and other voters of color. Unfortunately, states continue to introduce bills that will make it harder to vote. In just the third month of 2023, state legislatures across the country have already introduced at least 150 restrictive voting bills.<sup>53</sup> Moreover, in the 2022 midterm elections, racial disparities in voter turnout were higher in many states than they had been in years. In order for this country to live up to its democratic ideals of equality for all, this Congress must act to prevent the backsliding that has become rampant since the U.S. Supreme Court issued its decision in *Shelby County v. Holder*.

If Congress fails to act, America risks returning to previous, dark eras in our nation’s history when Black voters and other voters of color did not have the same opportunities to participate in the democratic process. The increasing racial disparities in voting, racially charged voter intimidation, and discriminatory voting laws being enacted by states across the country indicate that this country is already headed in that direction and it is up to this distinguished body to act swiftly to stop that reversal in its tracks. Congress needs to pass federal voting rights legislation now that restores the full protections of the Voting Rights Act and that creates baseline national voting standards. This federal legislation would ensure that where a voter lives does not dictate whether they can vote free from racially discriminatory and disparate barriers to the ballot box.

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<sup>53</sup> *Voting Laws Roundup: February 2023*, BRENNAN CTR. JUST. (Feb. 27, 2023), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2023>.