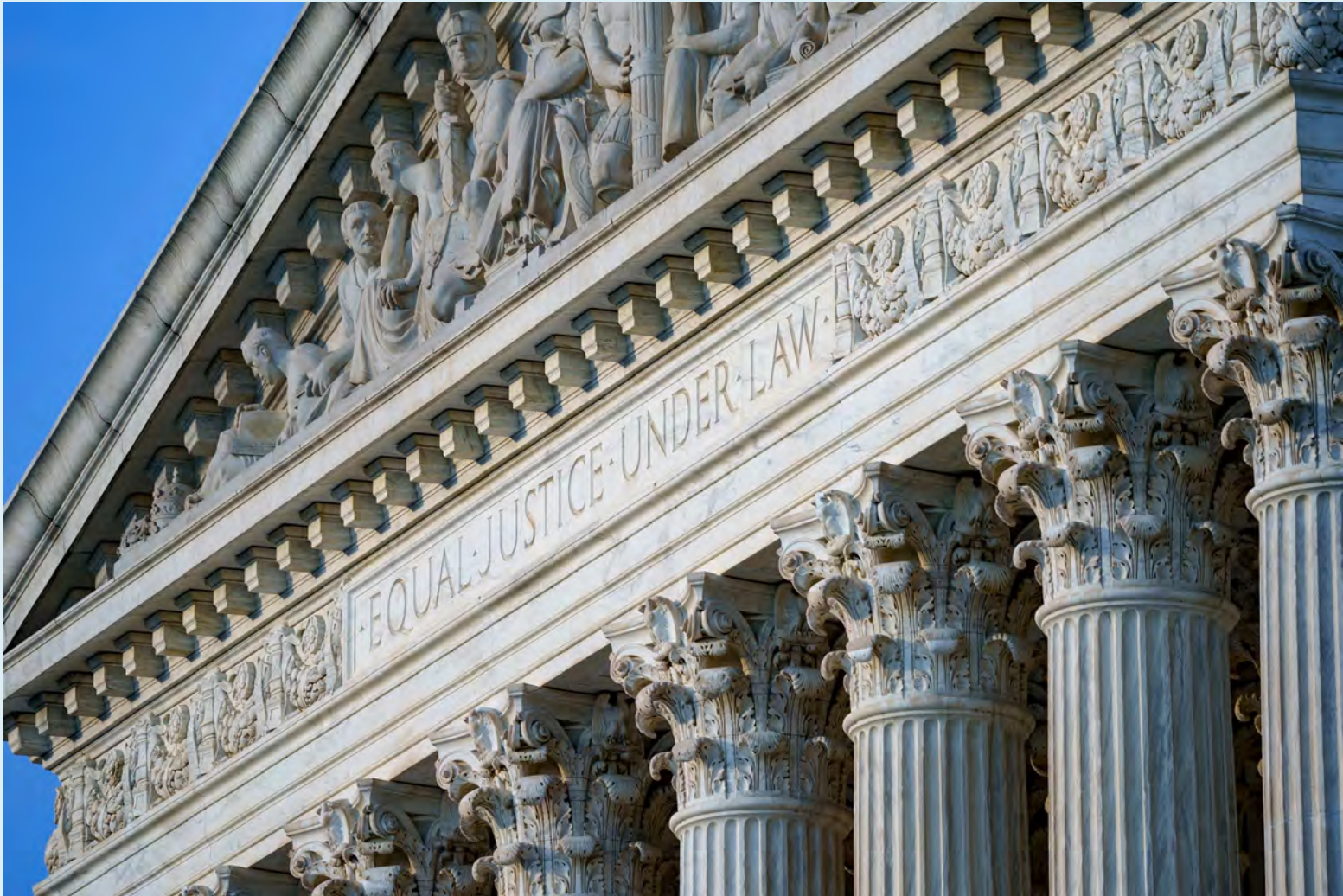


**RISE AND RESIST**  
**NOVEMBER 2, 2021**  
**DISCUSSION OF VOTING RIGHTS LEGISLATION**  
**AND ADVOCACY ACTIONS**



***The Freedom to Vote Act of 2021***  
**117<sup>th</sup> Congress**  
**S. 2747**

**Compared and Contrasted with the**

***For the People Act of 2021***  
**117<sup>th</sup> Congress**  
**S. 1**

**PLUS a discussion of the**  
**John R. Lewis Voting Rights Advancement Act**  
**now before the Senate**

# **TIMELINE for Voting Rights Bills**

## **For the People Act**

- Introduced in the House on 1/4/2021
- Passed in the House on 3/3/2021 (partisan vote)
- Introduced in the Senate on 3/17/2021
- Died by filibuster in the Senate on 6/22/2021

## **Freedom to Vote Act**

- Introduced in the Senate on 9/14/2021
- Died by filibuster in the Senate on 10/20/2021

## **John R. Lewis Voting Rights Advancement Act**

- Introduced in the House on 8/17/2021
- Passed in the House on 8/24/2021 (partisan vote)
- Introduced in the Senate on 10/5/2021 and has not yet been brought up for a vote

## **S.2747: Freedom to Vote Act - 592 pages**

### **DIVISION A: VOTER ACCESS**

- Title I: Election Modernization and Administration

### **DIVISION B: ELECTION INTEGRITY**

- Title II: Prohibiting Interference With Voter Registration
- Title III: Preventing Election Subversion
- Title IV: Voting System Security

### **DIVISION C: CIVIC PARTICIPATION AND EMPOWERMENT**

- Title V: Nonpartisan Redistricting Reform
- Title VI: Campaign Finance Transparency
- Title VII: Campaign Finance Oversight
- Title VIII: Citizen Empowerment

## **S.1: For The People Act - 874 pages**

### **DIVISION A: VOTING RIGHTS**

- Title I: Modernizing Voter Registration, Restoring Voting Rights, Protecting the Ballot
- Title II: Restoring the Voting Rights Act, DC and Territorial Voting Rights, Ending Gerrymandering
- Title III: Election Security

### **DIVISION B: CAMPAIGN FINANCE**

- Title IV: Campaign Transparency, Countering Foreign Interference
- Title V: Empowering Small Donors and Related Reforms
- Title VI: Enforcing Campaign Finance Laws, Strengthening Campaign Contribution Limits

### **DIVISION C: ETHICS**

- Title VII: Supreme Court Ethics Reform, Expanding Lobbyist Disclosure, FARA Reform, Recusal of Presidential Appointees
- Title VIII: Executive Branch Ethics Reforms
- Title IX: Congressional Ethics Reforms
- Title X: Disclosure of Presidential Tax Returns

# Freedom to Vote Act

## Important measures that have stayed in:

- Same Day Voter Registration
- Promoting Internet Registration
- Democracy Restoration
- Campaign Finance Transparency – DISCLOSE ACT and HONEST ADS ACT
- Voter Verifiable Paper Ballots Required in All 50 States

# Freedom to Vote Act

## Important measures that have come out:

- Ethic Reforms (though these are expected to be introduced as a separate bill)
- Reform of the Makeup of the Federal Election Commission (but other enforcement measures were beefed up)

# Freedom to Vote Act

**Measures that have stayed in but have been pared back to a lesser or greater degree:**

- Automatic Voter Registration
- Early Voting
- Voting By Mail
- Voter ID Requirements
- Partisan and Racial/Ethnic Gerrymandering
- Small Donor Financing for Congressional Races

# Automatic Voter Registration



AVR is still in the bill **but** the list of required agencies where it must be provided is limited to DMV offices. States can opt to do more however and can be funded for doing so.



## Early Voting provisions are still strong and include:

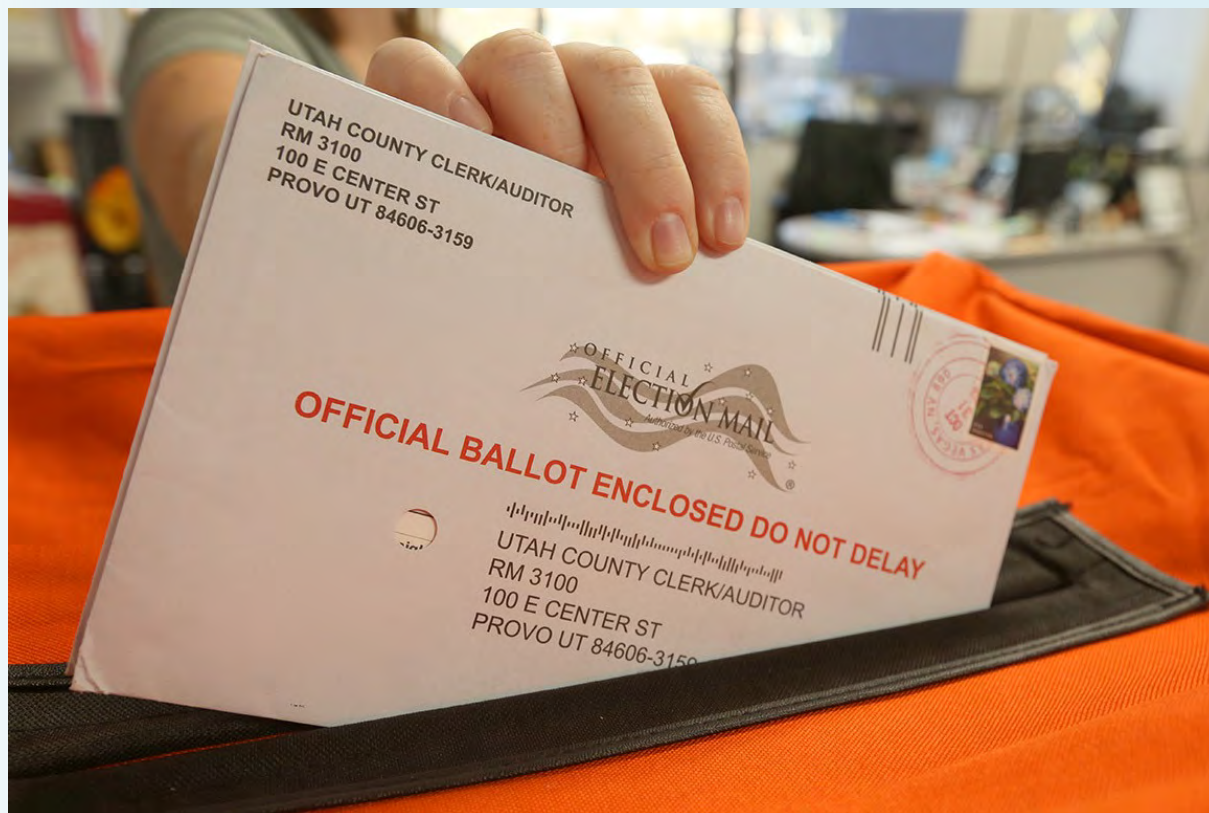
- At least two weeks of early voting
- Nights and weekends included
- At least 10 hours per day
- Accessibility (walking distance of public transport, accessible for rural voters, located on college campuses)



But requirements are pared back in jurisdictions with fewer than 3,000 voters – in those localities Early Voting would be required during regular business hours and for at least 8 hours on one Saturday and one Sunday during the Early Vote period.

## Voting by Mail, still includes

- No excuse mail ballots
- Multiple options for returning ballots, including accessible drop boxes
- Good faith efforts to notify voters of discrepancies with their ballots
- Prepaid postage for returning ballots
- Voters allowed to have someone else return their ballot
- Counting of all mail-in ballots postmarked by Election Day & received within 7 days of Election Day.



But omits the FTPA requirement that election officials distribute mail ballot applications to all registered voters (though states now can't PROHIBIT them from doing this); and now allows for mail ballot voter ID requirements as long as they are not more restrictive than a state's in-person ID requirements.

# Voting by Mail – Drop Boxes

Minimum Standards Would Still Be Enacted But With Some Paring Back



- Must be secure and accessible
- Minimum number of drop-boxes: at least one drop-box for every 45,000 registered voters in a jurisdiction (instead of for every 20,000 voters)
- Must be available for “reasonable” hours; at least 25% of them must be available 24 hours/day (instead of all of them)
- Must be available starting the first day that mail-in ballots get sent to voters
- Must be located in equitable locations

## **Voter ID Requirements – Freedom to Vote Act – Major Change**

- States that don't have Voter ID requirements are not required to have them
- Any state that has a voter ID requirement must accept the many forms of ID accepted in West Virginia, including:
  - Driver licenses, passports, voter registration cards
  - Utility bills
  - Student IDs
  - Gun licenses
  - Bank statements
  - TANF & SNAP IDs
  - Certain government employee IDs
  - Others
- Any voter without that ID may vote provisionally, subject to their identity being verified through a process similar to the process in West Virginia.

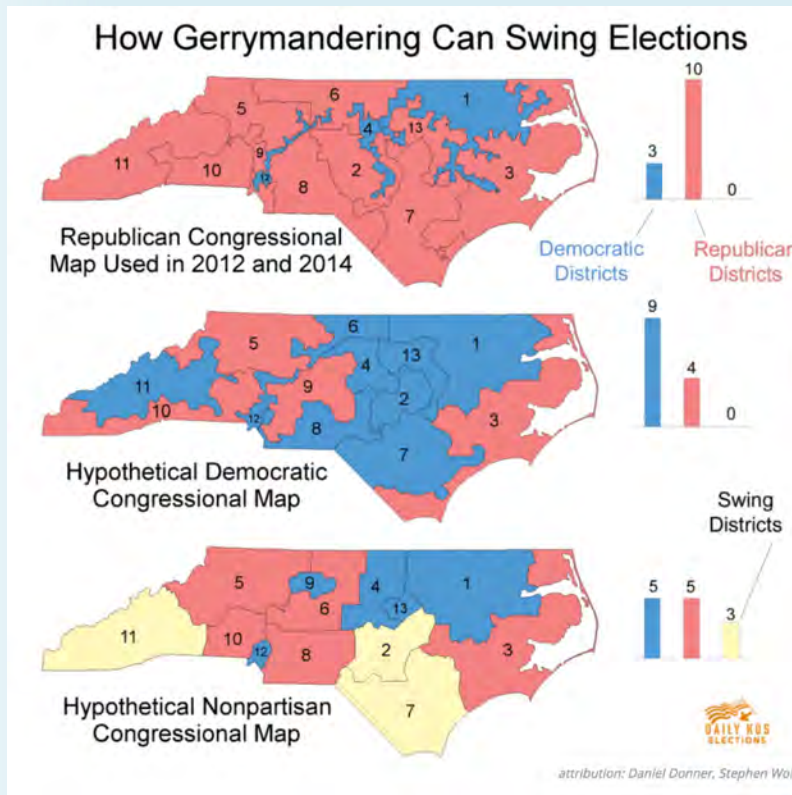
## **Voter ID Requirements – For The People Act**

- Did not preempt state ID Laws, however....
- DID require any state with an ID law to let a registered voter who lacked an ID cast a regular ballot upon signing a sworn written statement attesting to their identity on penalty of perjury



# Anti-Racial & Partisan Gerrymandering measures may be better...

- Stronger protections for communities of color
- Transparency requirements: e.g., states would have to maintain a website where proposed maps and the demographics used to create them would be available to the public at no cost; public hearings required (This measure not applicable until 2030 cycle.)
- Ban on mid-decade redistricting
- Specific triggering mechanisms for court cases, including examining recent elections to see whether a party's candidates for state-wide /federal office would have carried a disproportionate share of districts in a proposed new map
- Partisan gerrymandering cases to be heard in the federal district court in D.C. [new]



- If maps are struck down by the court for intentional racial/ethnic discrimination, or for partisan purposes, court will redraw the map to remedy violations.
- Applicability – would apply to all congressional maps drawn in the 2021-22 redistricting cycle **regardless of whether the map was passed before or after enactment of the bill.**

The For The People Act required independent redistricting commissions.



# Optional Small Dollar Financing of Elections for House Of Representatives

- Each state must choose whether or not to opt in. States that don't opt in can use funds for other voting related purposes (e.g., upgrading voting systems).
- Establishes a voluntary small donor matching system for House congressional elections: Donations of up to \$200 to participating congressional candidates matched 6-1 with public funds;
- No taxpayer funds may be used for the matching federal grants. Matching funds to come out of other federal sources (fees; penalties, etc.).
- Sets requirements for participating candidates. The candidate must:
  - Raise at least \$50,000 in small donations from at least 1,000 individuals to qualify
  - Adhere to a \$1,000 individual limit for all contributions
  - Limit use of personal funds to \$50,000
  - Disclose all contributors
  - Return unspent public funds exceeding \$100,000

## For The People Act

- Program was available to candidates in all 50 states (no opt-in needed by state)
- Was available for **all** federal candidates including in both Senate and House races



# Freedom to Vote Act

## Important new measures that have been added:

- Election Day as a Legal Public Holiday
- New Protections Against Voter Suppression and Attempts to Undermine the Electoral Process

# Case Study of recent voter suppression laws:

## SB202 In Georgia Passed March 2021– How It Restricts Voter Access

- **Absentee Ballots:**
  - Strict new ID requirements for absentee ballots.
  - Illegal for election officials (including county election officials) to mail out absentee ballot applications to all voters.
  - Voters will now have less time to request absentee ballots.
- **Drop boxes still exist ... but barely..**
- **Souls to the Polls is still allowed for two Sundays, but only if county opts for it**
- **Offering food or water to voters waiting in line now risks misdemeanor charges.**
- **Election Administration:**
  - The Republican-controlled legislature has more control over the State Election Board.
  - The secretary of state is removed as a voting member of the State Election Board.
  - The G.O.P.-led legislature is empowered to suspend county election officials.

<https://www.nytimes.com/2021/04/02/us/politics/georgia-voting-law-annotated.html#link-5822ca0d>





## Freedom to Vote Act

### New Protections Against Voter Suppression and Attempts to Undermine the Electoral Process, INCLUDING provisions that:

- Restrict the removal of election officials without cause
- Increase protections for election workers
- Prevent interference from “poll observers”
- Impose stronger protections for federal election records
- Protect the vote tabulation process from interference and intimidation
- Prohibit mishandling of ballots and other sensitive materials
- Restrict states from banning the distribution of food and water to those waiting in line to vote

# John R. Lewis Voting Rights Advancement Act

- **Timeline**

- Introduced in the House on 8/17/2021
- Passed in the House on 8/24/2021 (partisan vote)
- Introduced in the Senate on 10/5/2021 and has not yet been brought up for a vote

- **Major Provisions**

- **New formula for states that would need preclearance to enact voting laws (answers 2013 Shelby decision)**
  - 10 or 15 infractions in last 25 years
  - 10 Year Coverage Period
  - Bailout allowed if no violations in last 10 years
- **Restoring the strength of Section 2 of VRA (answers 2019 Brnovich decision)**
  - Specifically legislates “Senate Factors” to detect discrimination
  - Disclaims inexplicable “goalposts” for discrimination that were established by Supreme Court in Brnovich decision

# **John R. Lewis Voting Rights Advancement Act**

## **Brennan Center's List of Likely Preclearance States if Bill Passes:**

- **Georgia**
- **Louisiana**
- **Mississippi**
- **North Carolina**
- **South Carolina**
- **Texas**
- **Virginia**

## **Three others on the cusp:**

- **Alabama**
- **Florida**
- **Cook County in Illinois**

***Freedom to Vote Act of 2021***  
**117<sup>th</sup> Congress**  
**S. 2747**

Introduced in the Senate on September 14, 2021

**On October 20, 2021 a procedural vote to begin debate on the bill failed to pass by a vote of 49 to 51. We are currently at a standstill until.....**



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**WE REFORM THE FILIBUSTER**



# How Do We Reform the Filibuster?

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- Reinststate the “Mr. Smith Goes to Washington” rule (the talking filibuster)
- Lower the filibuster threshold from 60 votes to something lower, 55 say
- Require 41 votes to block cloture instead of requiring 60 to pass
- **Carve out an exception for voting rights bills**

# What Can We Do To Help Pass the Freedom To Vote Act and the John R. Lewis Voting Rights Advancement Act?



Grenada, Mississippi - 1966, Bob Fitch

***The arc of the moral universe is long, but it bends toward justice.***

***--The Reverend Martin Luther King, Jr. (as inspired by an 1853 sermon by Unitarian minister and abolitionist Theodore Parker)***

# What Can We Do To Help Pass the Freedom To Vote Act and the John R. Lewis Voting Rights Advancement Act?



**LET'S DISCUSS  
ADVOCACY  
ACTIONS WE  
CAN TAKE**

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**– John Lewis, in a New York Times OpEd published on July 30, 2020, after his passing, reflecting on the murder of Emmett Till:**

....Like so many young people today, I was searching for a way out, or some might say a way in, and then I heard the voice of Dr. Martin Luther King Jr. on an old radio. He was talking about the philosophy and discipline of nonviolence. He said we are all complicit when we tolerate injustice. He said it is not enough to say it will get better by and by. He said each of us has a moral obligation to stand up, speak up and speak out. When you see something that is not right, you must say something. You must do something. Democracy is not a state. It is an act, and each generation must do its part to help build what we called the Beloved Community, a nation and world society at peace with itself.

Ordinary people with extraordinary vision can redeem the soul of America by getting in what I call good trouble, necessary trouble. Voting and participating in the democratic process are key. The vote is the most powerful nonviolent change agent you have in a democratic society. You must use it because it is not guaranteed. You can lose it.



## Four Advocacy Actions you can take to advance the *Freedom to Vote Act*

1. **Call your Senators** and ask them to support the *Freedom to Vote Act*

**Call 888-453-3211**

You will hear a short message with instructions about what to say, and then you will be connected with your Senator's office. Call one more time and you will be connected with your other Senator's office.

*Please call your Senator whether you believe s/he is for or against the bill. The ones who are for it need to know their constituents want it. The ones that are against it need to know that you are for it!*

2. **Activate your networks to take action.** Post this link to your **social media accounts**. Your networks will get easy access to a variety of actions they can take: Calling their Senators and the White House to tell them to support the *Freedom to Vote Act*, writing letters to the editor at local papers using templates that make it easy, and more!

<https://dfadcoalition.org/takeaction/#call>

3. **Join a Text Bank** to help advocate for S1/HR1. The organization, **End Citizens United**, is holding several peer-to-peer text banks focused solely on the *Freedom to Vote Act*. Here's the link:

<https://www.mobilize.us/endcitizensunited/event/372960/>

4. **FIND A TON MORE ACTIONS YOU CAN TAKE** to help pass the *Freedom to Vote Act*. This wonderful resource sheet lists other actions you can take. It also has a ton of resources on the bill including videos, news stories, policy analysis and more.

<https://app.smartsheet.com/b/publish?EQBCT=deb960838e48403c8359f34fb6a71a15>

Please feel free to share this document with friends, family, and social networks!

**Voting Rights Legislation Talk**  
**R&R – November 2, 2021**  
**Source Documents and Resources**

## **Freedom to Vote Act**

**Text of Freedom to Vote Act (Senate Bill 2747, 117<sup>th</sup> Congress)**

<https://www.congress.gov/117/bills/s2747/BILLS-117s2747pcs.pdf>

**Brennan Center:** Freedom to Vote Act Fact Sheet, September 20, 2021

<https://www.brennancenter.org/our-work/research-reports/freedom-vote-act>

**Brennan Center:** Breaking Down The Freedom To Vote Act, September 23, 2021

<https://www.brennancenter.org/our-work/research-reports/breaking-down-freedom-vote-act>

**Democracy Docket:** The Freedom to Vote Act Unpacked, September 16, 2021

<https://www.democracymonitor.com/news/the-freedom-to-vote-act-unpacked/>

**Brennan Center:** Key Differences Between the For the People Act and the Freedom to Vote Act, October 14, 2021

<https://www.brennancenter.org/our-work/research-reports/key-differences-between-people-act-and-freedom-vote-act>

**Brennan Center:** The Freedom to Vote Act Is a Big Deal for Redistricting, Michael Li, October 13, 2021

<https://www.brennancenter.org/our-work/analysis-opinion/freedom-vote-act-big-deal-redistricting>

**Brennan Center:** Overview of Redistricting Provisions in the Freedom to Vote Act

<https://www.brennancenter.org/sites/default/files/2021-09/overview%20of%20redistricting%20provisions%20in%20freedom%20to%20vote%20act.pdf>

# John R. Lewis Voting Rights Advancement Act

**Text of John R. Lewis Voting Rights Advancement Act (Senate Bill 4, 117<sup>th</sup> Congress)**

<https://www.congress.gov/117/bills/s4/BILLS-117s4pcs.pdf>

**New York Magazine:** What Would the John Lewis Voting Rights Advancement Act Actually Do? By *Ed Kilgore*

<https://nymag.com/intelligencer/2021/08/what-would-the-john-lewis-voting-rights-act-actually-do.html>

**Brennan Center:** Testimony on Protecting a Precious, Almost Sacred Right: The John R. Lewis Voting Rights Advancement Act Before the Senate Committee on the Judiciary, Wendy Weiser, Brennan Center Vice President for Democracy, October 6, 2021

<https://www.brennancenter.org/our-work/research-reports/testimony-protecting-precious-almost-sacred-right-john-r-lewis-voting>

**PDF of Wendy Weiser Testimony:**

<https://www.brennancenter.org/sites/default/files/2021-10/2021-10-06%20Weiser%20-%20Written%20Testimony.pdf>