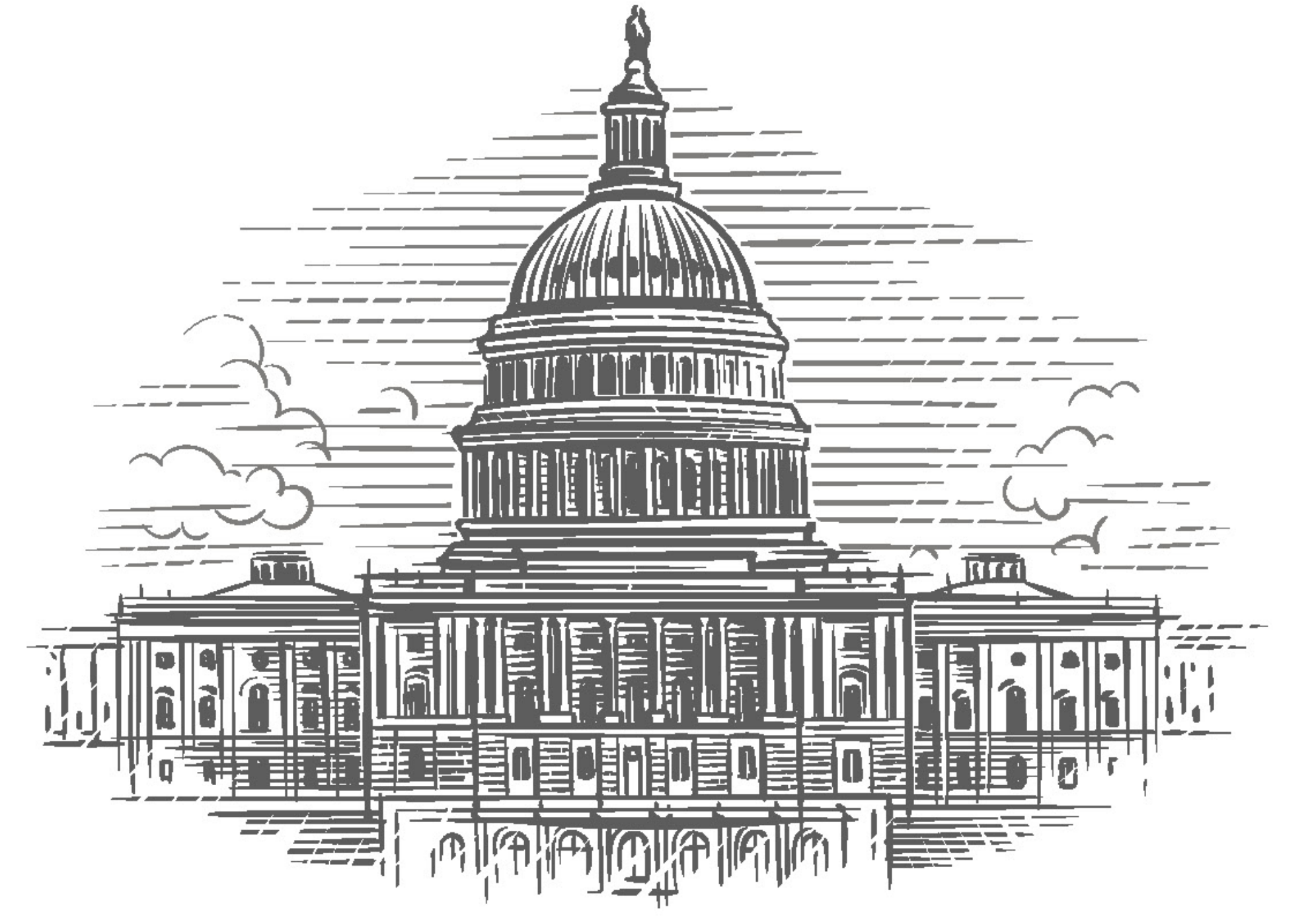


DEMOCRATS

How HR1 Would Change Elections

Bill passed in House would give federal government big say over how elections are conducted by states



YURMANOVICH/SHUTTERSTOCK

On March 3, the Democrat-led House passed H.R. 1, the For the People Act of 2021, which was introduced by Rep. John Sarbanes (D-Md.). The election reform package, if passed by the Senate, would transfer authority over how elections are administered from states to the federal government and make permanent many voting rules that opponents say lead to voter fraud.

The 791-page-long H.R. 1 legislation package, which was marked up by members of the 116th Congress, was adopted without much debate. Some provisions, like ensuring that all voting machines

used in U.S. elections are also manufactured in the United States or increasing access for voters with disabilities, are supported by both sides, but most other provisions are contentious.

The sweeping election reform package is divided into three major sections; the second section is the main body of the legislation, with three subsections: a) voting, b) campaign finance, and c) ethics. Section three is the “Findings of General Constitutional Authority” and section four is the “Standards for Judicial Review.”

Here are some of the key changes to election laws made by H.R. 1:

1 Gives the federal government authority to administer elections: Although the U.S. Constitution gives states the authority to run their elections as they see fit, Democrats have interpreted the Constitution in their favor, stating in H.R. 1 that “Congress finds that it has broad authority to regulate the time, place, and manner of congressional elections under the Elections Clause of the Constitution, Article I, section 4.”

2 Limits a plaintiff's access to federal courts when challenging H.R. 1: The bill mandates that any lawsuits challenging the constitutionality of H.R. 1 could only be filed in the District Court for the District of Columbia and all plaintiffs would be required “to file joint papers or to be represented by a single attorney at oral argument.”

3 Mandates automatic voter registration (AVR) in all 50 states (19 states currently have AVR): In what proponents call “modernizing” elections, any person who gives their information to designated government agencies, such as the Department of Motor Vehicles, a public university, or a social service agency, would be registered to vote. The bill mandates same-day and online registration.

4 Mandates no-fault absentee ballots: This provision does away with witness signature or notarization requirements for absentee ballots. Additionally, it would force states to accept absentee ballots received up to 10 days after Election Day.

5 Prevents election officials from removing ineligible voters from registries or confirming the eligibility and qualifications of voters: The bill would make it illegal to verify the address of registered voters, cross-checking voter registration lists to find individuals registered in multiple states, or ever removing registrants, no matter how much time has elapsed.

6 Restores the Voting Rights Act: This provision requires states to obtain approval from the federal government before implementing any changes to voting rules. There is also a provision that criminalizes the “hindering, interfering, or preventing” of anyone from registering or voting.

7 Bans state voter ID laws: States would no longer be allowed to require ID for voting and would be forced to accept signed statements from individuals claiming to verify who they say they are.

8 Opens Door to Illegal Immigrants Voting: The bill shields non-citizens from prosecution if they are registered to vote automatically. Agencies wouldn't be required to keep records of those who decline to affirm their citizenship.

9 Allows same-day voter registration: States would be required to permit same-day registration, including for early voting, at polling stations. The section includes a clause that requires same-day voter registration to be implemented in time for the upcoming elections in 2022.

10 Allows 16-year-olds to register to vote: From Jan. 1, 2022, states wouldn't be allowed to refuse a voting application from anyone aged 16 or older. Additionally, states would be required “to carry out a plan to increase the involvement of individuals under 18 years of age in public election activities.”

11 Prohibits the publication of “misleading information” about elections: The bill makes it a federal crime to “communicate or cause to be communicated” information that is knowingly false and designed to discourage voting, carrying a sentence of up to five years. Opponents say the provision raises First Amendment concerns.

12 Allows felons to vote: Under the Democracy Restoration Act, federal dollars for prisons would be restricted in states that don't allow ex-convicts to vote. The bill says that all felons can vote unless they are “serving a felony sentence in a correctional institution or facility at the time of the election.”

13 Mandates early voting: States would be required to allow anyone to cast a ballot during an early voting period prior to the date of the election.

14 Legalizes nationwide mail-in voting, without photo ID: Absentee voting by mail would be allowed in all federal elections and “may not require an individual to provide any form of identification as a condition of obtaining an absentee ballot.” A witness signature wouldn't be required.

15 Promotes ballot harvesting: Any designated person would be allowed to return absentee ballots to any ballot drop-off location or election office, so long as the person doesn't receive compensation based on the number of ballots he or she collected. Additionally, there would be no limit on the number of absentee ballots any designated person could return.

16 Requires states to accept ballots 10 days after Election Day: States would be required to accept any mailed ballots post-marked before or on Election Day that arrive within 10 days of the election. The bill allows states to expand that deadline.

17 Prohibits state election officials from campaigning in federal elections: State election officials would be from participating in political management or campaigns

for any election in which the officials have supervisory authority. This would most affect states like Georgia, whose secretaries of state have been notably involved in elections.

18 Requires colleges and universities to hire “campus vote coordinators”: The bill requires institutions of higher learning to employ an official who would be responsible for informing students about elections and encouraging them to register to vote. It would incentivize voter registration by giving grants to institutions that have a high registration rate.

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19 Mandates that states make absentee voter boxes available for 45 days within an election: Drop boxes would be made available for individuals to drop off absentee ballots for federal elections at any time, 24 hours a day, during the voting period.

20 Requires states to allow curbside voting: States may not “prohibit any jurisdiction administering an election for Federal office in the State from utilizing curbside voting as a method by which individuals may cast ballots in the election.”

21 Urges statehood for the District of Columbia and representation for territories: The bill points to the fact that the District of Columbia is not yet a state, adding, “The United States is the only democratic country that denies both voting representation in the national legislature and local self-government to the residents of its Nation's capital.” It appoints a commission that would advocate for congressional representation and presidential votes.

22 Requires states to redraw congressional districts through “independent” commissions: Taking power away from state legislatures, the bill would require redistricting to occur through commissions that are also required to show “racial, ethnic, economic, and gender” diversity.

23 Creates a national commission to “protect United States democratic institutions”: A national commission would study

elections and produce a report after 18 months with recommendations for improving elections. It would comprise 10 members, only four of whom would be selected by the minority party, giving control to the majority party (at this time, Democrats).

24 Mandates new disclosure for corporations: The bill codifies the Democrats' DISCLOSE Act, to restrict corporate participation in elections. Democrats say this provision will shed light on dark money, while Republicans counter that the legislation's transparency requirements would violate free speech rights.

25 Oversight of online political advertising: A provision called the Stand By Every Ad Act would stop campaign dollars from covering any form of advertising over the internet. Opponents say this would increase the cost of campaigning.

26 Weakens the Supreme Court's 2010 decision in the case Citizens United v. Federal Elections Commission (FEC): The bill states that “the Supreme Court's misinterpretation of the Constitution to empower monied interests at the expense of the American people in elections has seriously eroded over 100 years of congressional action to promote fairness and protect elections from the toxic influence of money.” It also suggests that the Constitution should be amended “so that Congress and the States may regulate and set limits on the raising and spending of money.”

27 Allows politicians to use campaign funds for personal use: Under a provision called the Help America Run Act, the bill legalizes the use of campaign donations for personal expenses such as child care.

28 Changes the composition of the FEC: The bill decreases the number of members on the FEC from six to five. Four members can be associated with a particular political party, making the fifth member “independent” but nominated by a president associated with a party. Former FEC members have written to Congress, warning about this change and other related provisions.

29 Changes rules around conflicts of interest for the president and vice president: It would require the president or vice president to divest all financial interests that could pose a conflict of interest for them, their families, or anyone with whom they are negotiating or who is seeking employment in their administration.

30 Changes FEC rules to require presidential candidates to provide their tax returns: Within 15 days of becoming a “covered candidate,” the individual would be required to submit copies of his or her tax returns, going back 10 years, to the FEC.