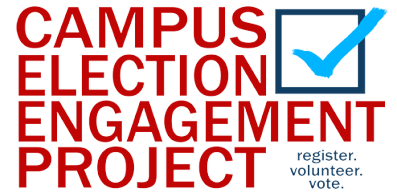


The Election Rules Debate— Key Issues & the H.R.1 Bill



How, as a democracy, should the United States conduct our elections? Who decides access to the ballot box? Should large contributors have unlimited say? Who should draw congressional and legislative districts? How do we enforce ethical behavior in elected officials?

On March 8, 2019, the U.S. House passed H.R.1, [For the People Act of 2019](#). The bill states that it seeks to “expand Americans’ access to the ballot box, reduce the influence of big money in politics, and strengthen ethics rules for public servants.” A huge bill, H.R.1 covers multiple aspects of elections and voting, and passed 234 to 193 on a party-line vote, with no Republican support. In its present form, the legislation has a slim chance of Senate passage, since Senate Majority Leader Mitch McConnell has deep criticisms and has said he won’t bring it up for a vote. But it outlines key arguments in a discussion that will continue long after any particular bill, and the approaches it promotes will continue to be argued in debates around America’s electoral rules.

Why It’s Important

Because of wide support inside the Democratic Party, the approaches outlined in H.R.1 are certain to become key parts of the Democrats’ 2020 platform. Meanwhile, Republicans’ opposition highlights their own core arguments around issues of electoral procedures and voting rights. Portions will almost certainly be reintroduced as separate legislation in the coming months, including those directly affecting student voting and the role of colleges and universities in the electoral process.

This guide describes the bill’s key elements, explores arguments for and against it, and offers specific questions aimed at facilitating classroom or co-curricular discussions of the broader policies it proposes.

Key Provisions

At 705 pages, H.R.1 addresses a broad range of issues relevant to voting rights, campaign finance, and political oversight. Here are some key elements:

Voter Registration and Voting Access—Expands voter registration and voting access, including [early voting](#) and [vote by mail](#), national [automatic registration](#) with opt-out provisions, and [same day](#) registration. Limits the [removal of eligible voters](#) from voting rolls, and funds the [recruiting and training of poll workers](#). Seeks [restoration of the Voting Rights Act](#).

Youth Enfranchisement—Makes [colleges and universities voter registration agencies](#), with a Campus Vote Coordinator and grant opportunities to “institutions demonstrating excellence in student voter registration.” Sets up a [pilot program for providing voter registration information](#) to high school students before graduation. Without changing a state’s voting age requirements, [requires states to accept voter registration applications](#) from individuals under 18 years of age. Provides grants to states for activities to [encourage involvement of minors in election activities](#).

Campaign Finance Reform—Creates an alternative campaign funding system for certain federal offices that [matches small dollar contributions](#) for eligible candidates, paid for through fees assessed on organizations and corporate individuals found liable for criminal and civil fines and penalties. Also modifies the structure and powers

of the [Federal Election Commission](#), creates a [pilot voucher program to support small donor funding](#), and seeks to [curtail illicit funding](#) through money-laundering shell companies.

Election Security—Includes provisions for [improving cybersecurity](#) and protecting the integrity of electoral systems, including [improved threat assessment](#). Sets [nationwide requirements for voter-verified paper ballots](#), providing [grants](#) for states to obtain paper ballot voting systems for federal elections.

Nonpartisan Redistricting—Requires states to establish independent, [nonpartisan redistricting commissions](#), and [funds](#) and sets standards for those commissions.

Ethics and Transparency—Establishes new ethics provisions for [federal employees and the White House](#) and [Congress](#), includes a [code of ethics for federal judges and justices](#), and expanded enforcement of regulations governing [foreign agents](#). Requires candidates for President and Vice President to [submit 10 years of tax returns](#). Passes the [DISCLOSE Act](#), regulating certain political spending, with clarification of rules regarding [foreign spending on U.S. elections](#), and the [Honest Ads Act](#), which increases disclosure requirements for online political advertisements.

Note: A number of states have implemented some of H.R.1's reforms, including automatic voter registration, same day registration, and nonpartisan redistricting. [Nonprofit VOTE](#) has produced an [overview of these reforms](#) and their effects on voter participation in 2018.



Arguments for H.R. 1

- The League of Women Voters [has endorsed the legislation](#), saying that it would make “our election system more free, fair, and accessible to all eligible Americans,” and highlighting its inclusion of same day and automatic registration, and small-donor matching funds.
- Pro-democracy organization Common Cause and 27 other organizations sent an [open letter to members of the 166th Congress](#). Charging that “our current system allows powerful corporate and wealthy interests to regularly defy the foundational principles of fairness, equity, ethics, accountability, and respect for the rule of law,” Common Cause says that H.R. 1 “would shine light on the out-of-control secret corporate influence in our democracy,” and would “end the dominance of big money in our politics.”
- Jeremy Bauer-Wolf, writing in *Inside Higher Ed*, suggests that H.R.1 would [make it easier for college students to register to vote and to get to the polls](#). Bauer-Wolf writes that “some of the barriers students encounter in voting—confusion over registration deadlines, state voter identification laws” would end, and supports the bill’s Campus Vote Coordinator provision.



Arguments Against H.R. 1

- House Minority Leader Kevin McCarthy [in a statement](#) charges that in passing H.R.1, House Democrats “want the government to interfere in our free and fair elections.” McCarthy writes that H.R.1 “would weaken the security of our elections and make it harder to protect against voter fraud.”
- In January, Senate Majority Leader Mitch McConnell wrote an [op-ed in the Washington Post](#) responding to an early version of the bill, calling H.R.1 the “Democrat Politician Protection Act,” and “a sprawling proposal to grow the federal government’s power over Americans’ political speech and elections.” McConnell charges that H.R.1 would “make it harder for states to fix inaccurate data in their voter rolls.” Regarding the bill’s regulations around disclosure of campaign-related disbursements by corporations and labor organizations, writes that it would be “giving Washington a clearer view of whom to intimidate and

leaving citizens more vulnerable to public harassment over private views.”

- Adam Brandon, writing for FreedomWorks, a free-markets organization, calls H.R. 1 “[Orwellian](#),” saying that it would “run roughshod over the freedom of speech and freedom of association protected by the First Amendment and privacy.” He charges that “by threatening to expose the identities of private citizens who participate in the political process,” H.R. 1 “will discourage many American citizens from participating in the political process, and from dedicating their resources to it.”

- The American Civil Liberties Union, [in a letter to the House Rules Committee](#), supports some provisions such as restoring the Voting Rights Act, expanding early voting, and redistricting reform, but writes that there “are also provisions that unconstitutionally impinge on the free speech rights of American citizens and public interest organizations.” For example, it discusses the DISCLOSE Act, and charges that “it would chill the speech of issue and advocacy groups and non-profits such as the ACLU, Planned Parenthood, or the NRA that is essential to our public discourse and protected by the First Amendment.” (For discussion, see this [letter from Democracy 21](#) responding to the ACLU’s claims, focusing on constitutional concerns raised by the ACLU.)

Possible Questions for Classroom Discussions or Forums

H.R. 1 lends itself to group discussion in classrooms and other forums. It can be used for discussion in such areas as: ethics and corruption, the appropriate scope and role of government action, equality of opportunity, and how we create fair elections given our increasing dependence on massive computer networks. Here are some sample questions:

- Does H.R. 1 represent overreach, or is it appropriate to current problems around voter access and the safety of our electoral system?
- Do the disclosure provisions around political ads and political spending represent a threat to free

speech, or a much-needed opening to identify who is influencing our democracy?

- Are the bill’s ethics provisions necessary? If so, why?
- Is the bill’s provision for matching funding on small contributions fair? If you were a candidate, would you agree to the limitations outlined in the program? Does it matter that the funds for the program do not come from American taxpayers?
- Are H.R. 1’s improvements in access to elections, through ease of registration, early voting, and more accurate voter rolls, necessary?
- How have individual states fared in making some of the changes outlined in H.R. 1?
- How big a problem is cybersecurity in holding fair and accurate elections?