

November 30, 2023

LWVUS Advocacy Presents:

Federal Voting Rights Bills



Presenters



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Agenda

Housekeeping

Background on 118th Congress

Landscape of Federal Voting Rights Laws

Proposed Voting Rights Bills

Executive Branch Work

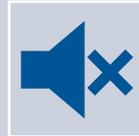
2024: Look Forward

Questions

Housekeeping



All trainings will be recorded to keep accurate notes to share with attendees and others after the call.



If you are not speaking, please mute yourself to minimize sound issues.



Make sure you identify yourself (name, League, State & pronouns) when asking questions



Staff will be monitoring the chat box. If you have any questions or thoughts throughout the call, please feel free to drop them in the chat box.

Community Norms



Bring your full self and limit distractions



What is learned here, leaves here



No one knows everything, together we know a lot



Don't yuck my yum



Oops, ouch, and educate



Assume best intentions

A group of business professionals in an office setting. A woman in a dark blazer is pointing at a tablet held by another person. Other people are visible in the background, some holding coffee cups. The scene is brightly lit, likely from a window.

POLL!

Background on 118th Congress

House and Senate politics

Speaker Johnson



1998: Attorney in Louisiana anti-abortion movement

2002 – 2010: Employed at Alliance Defending Freedom, Christian legal-advocacy group

- ADF lawyers supported in *Dobbs* case opposing reproductive choices

2015 – 2017: Member of the Louisiana House of Representatives

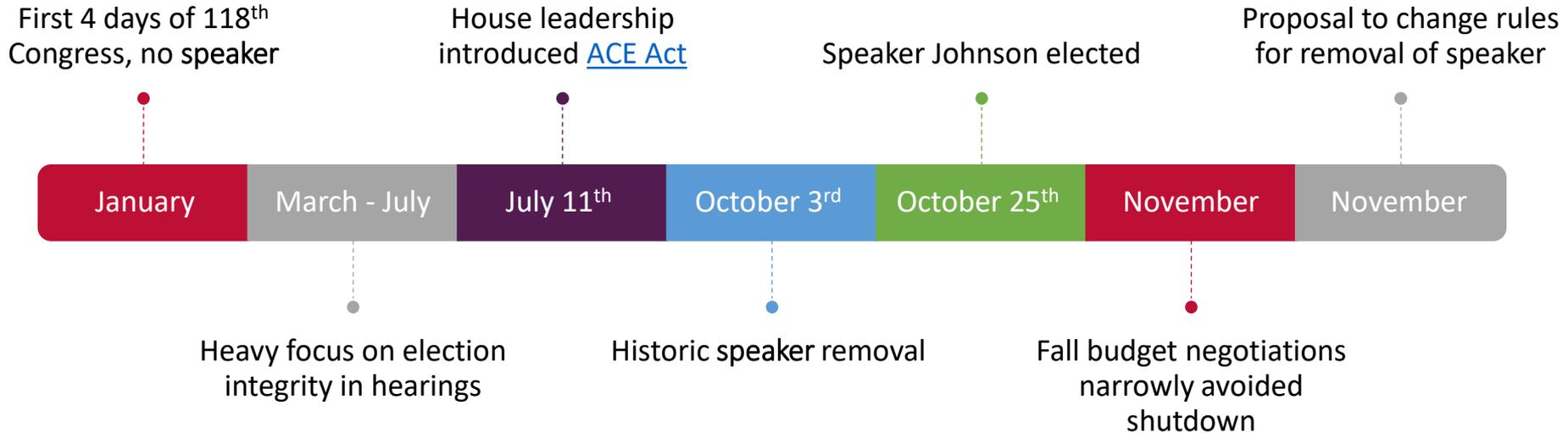
2015: Founded Freedom Guard, nonprofit legal ministry

2017 – 2023: Member of US House (LA-4)

2020: Contested results of presidential election

US House of Representatives

Timeline of House Majority Leadership Activities



US Senate

- Tension between chambers
 - House and Senate focused on different priorities
- Cross-chamber collaboration for some bills i.e. *Freedom to Vote Act*
 - *John Lewis Voting Rights Advancement Act* only introduced in House
- New members
 - Passing of Sen. Feinstein and appointment of Sen. Butler
 - Sen. Ricketts appointed to replace Sen. Sasse
- Health concerns for multiple members
 - Sometimes caused delays moving legislation/nominations

Appropriations

- Shut-down avoided twice
 - September- timeline was extended to Nov. 17
 - November- timeline was extended to 2024
- House and Senate passed Continuing Resolutions to secure funding through Jan./Feb. 2024

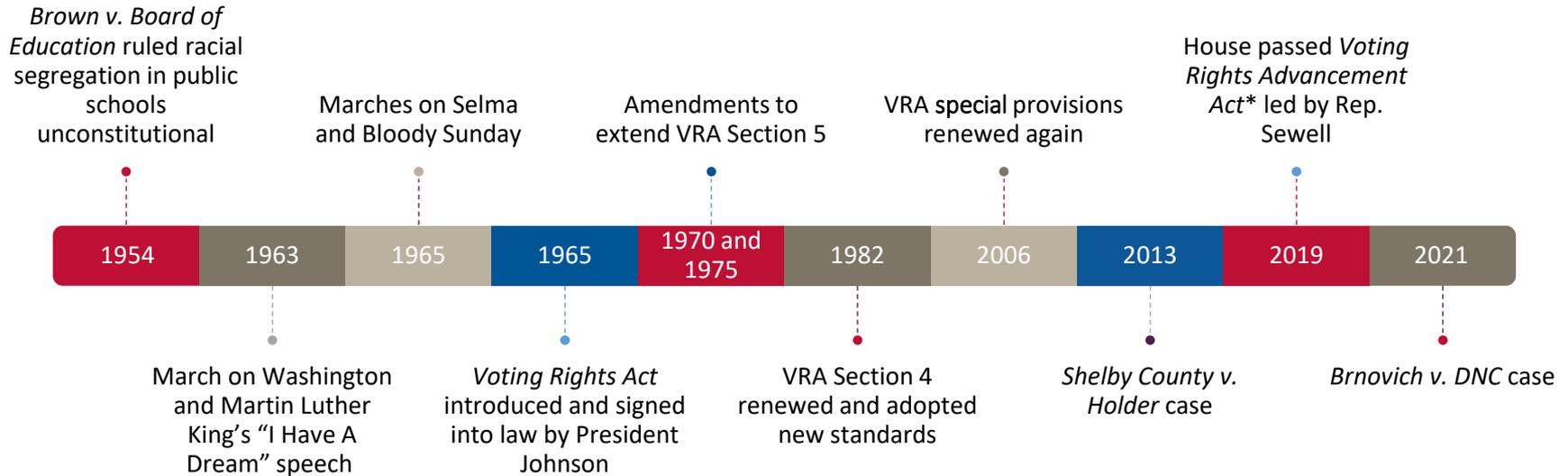
Existing Landscape of Federal Voting Rights Laws

What protections already exist for voters?

Federal Voting Rights Laws

- *Voting Rights Act of 1965*
- *National Voter Registration Act*
- *Help America Vote Act*

A Quick History of the *Voting Rights Act*



SCOTUS Weakens the *Voting Rights Act*

Shelby County, Ala. v. Holder (2013)

Case challenging constitutionality of **Section 5**—federal preclearance for “covered” states to change voting laws; and **Section 4(b)**—the formula to determine which jurisdictions are “covered,” or subject to preclearance of the *Voting Rights Act of 1965*.

Outcome:

1. Struck down Section 4(b), coverage formula
2. Allows Congress to develop updated coverage formula to reactivate Section 5 preclearance

Brnovich v. DNC (2021)

Case challenging as racially discriminatory under **Section 2** of the VRA laws 1) banning non-fraudulent ballot collection and 2) requiring tossing out votes if a voter goes to the wrong precinct to cast their ballot.

Outcome:

1. Court upheld both laws; determined the laws did not violate Section 2 of the VRA
2. Established heavier burden for plaintiffs in Section 2 “vote denial” cases
3. Does not change Section 2 “vote dilution” cases, which were upheld in *Allen v. Milligan* (2023)

Section 2 in the News

- US Court of Appeals for the Eighth Circuit
- On November 20, 2023, ruled no *private* right of action under Section 2 of the VRA
 - Held only US Attorney General can sue, not harmed voters or organizations like LWV
- Section 2 protect communities of color
- Impacts ND, SD, NE, MN, IA, MO, AR
- Will be appealed



Proposed Voting Rights Bills

Legislation in the 118th Congress that would affect voting rights

Voting Rights Priorities

- Automatic voter registration
- Access for disabled voters
- Early voting
- Election Assistance Commission funding
- Good list maintenance
 - [LWVUS Voter Purge toolkit](#)
- Mail-in voting
- Protections for Native voters
- Translated voting materials
- Online voter registration
- Same-day registration

LWVUS One-Pager
for Congress!

Protecting Voting Rights

The League of Women Voters of the United States (LWVUS) was founded in 1920, working on the front lines of voter education to assist newly enfranchised women in casting their ballots following the ratification of the 19th Amendment. **The League is nonpartisan — neither supporting nor opposing candidates or political parties — and is committed to protecting every person’s freedom to vote.** The League conducts advocacy with our grassroots network to empower voters and defend democracy. LWVUS calls for bipartisan voting rights reform that includes:

Automatic voter registration	Many states have expanded the list of government agencies that help register voters. But practices vary from state to state. Federal law should standardize automatic voter registration in all government agency offices.
Disabled voter accessibility	The disabled community is diverse! Necessary accommodations for disabled voters include physically accessible polling places, mail-in ballots, and non-paper ballots that can be cast securely and independently for voters with print disabilities.
Early voting	Allowing voters to cast a ballot prior to Election Day with an Elections Official increases the opportunity for many communities to cast a ballot and have it counted. Voters who work during traditional voting hours, people with disabilities, and people who live far away from polling locations in rural communities need other options to cast their ballots.
Election Assistance Commission funding	The EAC is an important agency to ensure that elections are administered properly, elections officials have a space in which to share best practices, and voting machines meet current technology standards. The EAC is also charged with creating and maintaining the national mail-in registration form.
List maintenance that promotes fairness and transparency	Proper list maintenance requires practices that are transparent, accurate, and fair, and that identify and reach out to unregistered voters. States should maintain lists that are secure, electronically integrated across departments, uniformly updated across the state, and provide notice to the voter before any purge.
Mail voting and no-excuse absentee voting	Many voters cannot get to physical polling places — possibly waiting in long lines, in the middle of the week to cast a ballot. Our election system must allow voters the option of receiving a ballot in the mail and sending it back or placing it in an accessible drop box.
Native voter protections	There are 574 federally recognized Indian tribes in the US, representing millions of Native voices that are crucial to our democracy. Equal access for Native voters includes accessible polling places, mail ballots, creating addresses for homes without USPS-compliant addresses, and combating unfair redistricting that dilutes the Native vote.
Non-English election information	The freedom to vote applies equally to all eligible voters regardless of the language with which they are most comfortable. Voting information should be accessible in the languages spoken in a community, including Native languages.
Online voter registration	Americans are connected to the internet every day to pay their bills, check in with family, do homework, and function in their everyday lives. Voters should be able to register, update their registration, and confirm their registration status online.
Same-day voter registration	Allowing voters to register on Election Day ensures that new voters or those who have recently moved can update their registration and vote a regular ballot.

Major Voting Bills in 118th Congress

- *John R. Lewis Voting Rights Advancement Act*
 - Awaiting Senate companion
- *Freedom to Vote Act*
- *ACE Act*

Endorsed Voting Bills in 118th Congress

- S. Res. 333: Designating 2024 as the Year of Democracy
- *Democracy Restoration Act*
- *Youth Voting Rights Act*
- *Protecting Our Democracy Act*
- *Vote at Home Act*
- *DISCLOSE Act*
- *Early Voting Act*

Executive Branch Work

Voting Rights Executive Order

- *Executive Order on Promoting Access to Voting*
 - March 7, 2021, the anniversary of Bloody Sunday
- Federal agency directive to “consider ways to expand citizens’ opportunities to register to vote and to obtain information about, and participate in, the electoral process.”
- Lack of federal legislation to protect the right to vote makes the EO a unique tool to protect voting rights and strengthen our democracy

Voting Rights Executive Order

- *Actions Agencies have committed to taking include:*
 - Expand access to voter registration and election information in government services
 - Modernizing Vote.gov
 - Increase opportunities for employees to vote
 - Ensure equal access for voters with disabilities
 - Ensure access to voting for active-duty military and overseas citizens
 - Ensure access to voter registration for eligible individuals in federal custody
 - Registering newly naturalized citizens
 - Incorporating voter registration into healthcare.gov

Healthy People Initiative

- HHS' 10-year national health goals
- 2022: [Comments](#) to make "Increase the proportion of the voting-age citizens who vote" a [core objective](#)
- 2023: [Comments](#) to further progress toward objective
 - Voter registration
 - Voter education
 - Voting plans

2024: Look Forward

2024, Looking Forward

- Presidential election year!
- Opportunities for bipartisanship
 - Money in politics
 - Election funding
 - Protections for election workers

Next Steps



Voting Rights legislation is not going to be able to pass without bipartisan support and cooperation in the 118th Congress

We need to see a bipartisan group of lawmakers from both the House and the Senate come together to protect voting rights

Feedback

We´d love to hear from you about your experience today!

<https://survey.alchemer.com/s3/6824369/LWVUS-Post-Event-Feedback-Form>

Questions?