

SOLUTIONS FOR A STRONGER DEMOCRACY

Eight Solutions to Protect Voting Rights and Improve Representation

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American public institutions urgently need repair and renewal. The 2024 election was the first time since the 1800s that the incumbent party lost the White House for the third time in a row. Public trust in government has plunged to historic lows. Citizens plainly feel left behind, economically unmoored, and dissatisfied with the government that serves them.

Crisis can bring innovation. As Lincoln urged, we must “think anew.” What will matter most is not what we are against but what we are for.

This is the fourth in a series of policy agendas. The Brennan Center began with proposals to combat corruption and reform the Supreme Court and will soon offer solutions focusing on executive power. We will also put forward ideas for constitutional change and more.

Our solutions must match the scale of the challenges. They seek to address the problems of today, not 10 years ago or 1975. The project of reform must engage people from both parties, and no party. The best ideas are neither left nor right: They reflect the urgent desire of the disaffected middle.

Throughout history, reform follows scandal and crisis — often, but not always. If we act, from today’s clashes can come a time of renewal and democratic rebirth.

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The vote is the heart of democracy and the essence of self-governance. All U.S. citizens have a right to elections that are free, fair, and secure. We need full representation in governance so that public policy addresses the needs of everyone. Elections should be modern and free from foreign interference.

The U.S. election system has long been a beacon to the world. Two and a half centuries ago, the Declaration of Independence affirmed that government is legitimate only when it rests on the “consent of the governed.” At the time, only white men who owned property could vote. Since then, Americans have widened the circle of democracy. At every step, some pushed back. But over time, those fighting to expand and protect the right to vote largely prevailed.

U.S. elections have proved remarkably resilient. In recent years, despite the pandemic, threats of violence, and disinformation, the system held. The past two presidential elections saw record voter turnout: 66 percent in 2020 — the highest since 1908 — and 64 percent in 2024.¹ Americans want to vote.

The system, however, has been battered by a political assault designed to restrict the vote and diminish democracy. Voters face attacks they have not seen in half a century — from the Supreme Court, from the president, and from states.

The U.S. Supreme Court has effectively destroyed the Voting Rights Act. *Shelby County v. Holder*, in 2013, elim-

inated a key part of the law that helped block discriminatory voting policies and practices, and *Brnovich v. DNC*, in 2021, made it virtually impossible to challenge those practices. Since then, the difference between white and nonwhite turnout rates has grown rapidly.² Legislatures in more than half the states have passed more than a hundred new laws restricting access to voting and suppressing votes. *Louisiana v. Callais*, earlier this year, made it practically impossible to enforce the Voting Rights Act's prohibition on racial discrimination in redistricting. It left the law a dead letter.

At the same time, gerrymandering has worsened. In 2025, President Trump kindled a frenzy of partisan gerrymandering that began in Texas and soon spread across the country. Then *Callais* and other court rulings licensed racial discrimination and led to the elimination of Black majority districts across the South. Both parties are now locked in a retaliatory spiral aided by the Supreme Court, with redistricting wars likely to continue year in and year out. This new status quo will further limit voters' influence over policy, crush competition, and worsen polarization in Congress.

Malevolent actors, including foreign governments, meanwhile threaten to compromise elections. Foreign agents actively attempted to influence the past several elections in the United States. In 2016, for example, Russian intelligence agencies hacked into election board infrastructure (though they did not access voting tabulation systems).³ Foreign enemies may try again this year.

And now for the first time, the federal government itself is working to undermine confidence in elections. The Trump administration has attempted to rewrite election rules to burden voters and usurp control of election systems. Baseless fraud claims circulate online, now with the support of the White House. The lies cause Americans to question election integrity and provide cover for cynical politicians who seek to profit from restrictive voting policies. Since 2020, states have passed more than 100 laws that make voting more difficult.⁴

Congress must act. It can respond to the Supreme Court's misguided legal reasoning. It can forestall gerrymandering nationwide, in "red" and "blue" states alike. It can build a modern, participatory electoral system for a changing, diverse country. Under the Constitution's Elections Clause, both states and Congress set the rules for elections. States administer them. Presidents have no role in running elections or in writing the rules that govern them. But national legislation has repeatedly proven necessary to ensure that state and local governments (and now the federal government too) do not abuse the rights of their own citizens and to reinforce equal opportunity for political participation across the country.

Repeatedly, Congress has used that constitutionally granted power to pass national laws. The National Voter Registration Act, enacted in 1993, required governments

to make voter registration more widely available. The Help America Vote Act (2002) funded new voting technology after the 2000 Florida recount. The Electoral Count Reform Act (2022) clarified and strengthened procedures to certify a presidential victor. And Congress came achingly close to passing two bills that would have prevented many current voting problems. Elements of the Freedom to Vote Act and the John R. Lewis Voting Rights Advancement Act are incorporated in solutions here. Some policies, too, already work in multiple states. Those successes should be extended nationally.⁵

The solutions below are not intended to be comprehensive. We will continue to push for reforms beyond those listed. But achieving them would make voting fairer and more accessible for U.S. citizens and mitigate damage done by states, the executive branch, and the Supreme Court.

>> Make voting rights fully enforceable.

Citizens truly have a right to vote only if they can vindicate that right in court against attacks to undermine it.⁶ Today, no federal law provides for an explicit, affirmative right to vote. Congress has the power, under the Constitution's Elections Clause and the 14th Amendment, to pass a law that does just that and then to provide citizens with the legal tools they need to enforce that right.

A series of bad decisions by the Supreme Court (and some lower courts) has severely limited voters' ability to enforce voting rights in court. Those decisions make burdens on voting difficult to successfully challenge. Further, courts, by accepting unsubstantiated allusions to potential fraud, have let states put restrictive voting policies into effect. They also have made it extremely difficult for voters and advocates to prove intentional racial discrimination. In fact, through *Callais* and other decisions, the Court has effectively held that a state legislature can excuse race discrimination by claiming it is acting in the name of partisanship.⁷

At the same time, and not coincidentally, many states have enacted suppressive voting laws.⁸ And election deniers have attempted to undermine or subvert elections.

Congress should use its legislative authority to enact an explicit right to vote that is backed up with a clear mechanism for voters to challenge any infringement of that right. It should specify that any law or practice that makes voting more difficult will be subject to the strictest level of scrutiny by the courts.⁹

Congress should also provide a clear and more reasonable standard for challenging intentional race discrimination in voting. It must make explicit that states and the federal government cannot dodge lawsuits by claiming immunity, by arguing that their objectives were partisan rather than race-based, or by asking courts to presume good faith.

Any such law should clearly provide that any voter whose rights have been infringed — or groups representing such

voters — has standing to sue. Courts should be empowered to change or set aside state rules when necessary to vindicate constitutional rights so that states cannot use stalling or other procedural tricks to stop Americans from voting.

>> Create baseline standards for voter access.

Despite comparatively high turnout in recent elections nationally, voter participation rates have vast room for improvement. Nearly 90 million voting-age Americans did not cast a ballot in the 2024 election — more than the number of votes received by either major-party presidential candidate — and approximately a quarter of Americans who are eligible aren't registered to vote at all.¹⁰ And voting rates are much lower for some demographic groups — including young voters and voters of color.

Congress has the power to encourage higher participation in elections. While states are charged with setting the “times, places, and manner” of elections, Congress can make or alter laws to set national standards for voting.¹¹

Congress should create baseline national standards for voting procedures such as early and mail voting. A nationwide set of standards would reduce the administrative and voter confusion caused by states' wildly varying election practices. More important, it would prevent states from implementing changes that disproportionately burden people of color or those in lower socioeconomic groups.

Congress should also mandate voter-friendly registration procedures. There is precedent for its involvement in this arena: The National Voter Registration Act requires states to give citizens the opportunity to register to vote when they apply for or renew their driver's license.

Today, more than 20 states have adopted automatic voter registration.¹² It is essentially a more seamless version of that 1993 law: When eligible citizens interact with agencies such as the Department of Motor Vehicles, they automatically are registered to vote or have their existing registration updated, with appropriate strong protections to ensure that only eligible citizens can sign up. It's a cost-effective reform that cleans up voter rolls and, as Brennan Center research has shown, increases registration rates significantly.¹³ As a backstop, citizens who are not on the rolls should be able to register in person and cast a ballot on the same day, another policy widely in place across states.¹⁴

>> Ban partisan gerrymandering.

Partisan gerrymandering lets politicians choose their voters, rather than the other way around. It reduces competition within districts. Of the 435 House seats up for a vote in 2026, only about 20 are considered toss-ups.¹⁵ Primaries often matter more than the general election, forcing lawmakers to curry favor from those with more extreme positions.

Only national legislation can halt the frenzy of partisan gerrymandering. Such a law would apply in Republican-dominated states and Democrat-dominated states alike. The current flurry of partisan mid-decade redistricting began last year in Texas and California and was supercharged by the *Callais* decision, which gave states cover to use partisanship as a defense in race discrimination lawsuits and resulted in states including Alabama and Tennessee rushing to undercut minority voting power.

This chaos was avoidable. The U.S. Supreme Court, which had long said that partisan gerrymandering offends the Constitution, could have banned partisan gerrymandering in 2019's *Rucho v. Common Cause*.¹⁶ Instead, the conservative majority ruled that federal courts had no power to address it. States can now act at will. Some ban or restrict partisan gerrymandering, but most do not. State partisans thus have a perverse incentive to draw abusive lines or lose out.

National legislation that bans partisan gerrymandering should block states from using any redistricting plan drawn with discriminatory intent or effect when considered on a statewide basis. The Freedom to Vote Act included a provision to do this. As with burdens on the right to vote, citizens must be able to challenge unfair maps in court. Any new law should also restrict redistricting to the year following the release of the U.S. Census, unless a court orders otherwise.

>> Expand the U.S. House of Representatives.

The framers understood that lawmakers needed to be in touch with their constituents. At the Constitutional Convention, George Washington worried that the ratio of no more than one representative for every 40,000 people offered, he reportedly said, “an insufficient security for the rights and interests of the people.”¹⁷ The number was lowered to 30,000. For much of the country's history, the House of Representatives expanded as the population grew. Then in 1929, Congress capped the number of members. Today, the average population of a House district is more than 750,000 people.¹⁸

To enable House members to better represent constituents, Congress must expand the “people's house.” This idea has support across the political spectrum.

Smaller districts would give constituents a better opportunity to obtain services and help. It would expand diversity in Congress — ideological, racial, ethnic, and perhaps even partisan. It has the capacity to link communities more directly to lawmakers. And it could make running for Congress less expensive, further bolstering diversity.

As the Brennan Center has suggested, one option is to expand the House in line with a phenomenon observed in other major democracies, in which the total number of lawmakers is roughly equal to the cube root of a nation's population.¹⁹ For the U.S. population, that would mean

around 600 House members, in addition to the 100 members of the U.S. Senate. Some models use the cube root rule as a guide for only the lower legislative chamber, which would yield 700 House members.²⁰

>> Ensure that the popular vote determines the presidency.

For 120 years, as the right to vote was expanded in the United States, the popular vote winner became president. In 2000 and 2016, however, the loser of the popular vote became president. The Electoral College, once considered a quirk of U.S. politics, now threatens majority rule — and in fact, the system is deeply flawed even when the outcome of the popular vote and the outcome of the Electoral College are the same.

Currently, a small proportion of citizens in a handful of swing states essentially determine who wins the presidency. Presidential candidates largely ignore the other 40-plus states, save passing through them to raise money from wealthy donors. It means Republican voters in California and Democratic voters in Texas are overlooked and lose their voice. The Electoral College can also negatively affect turnout, not just for the presidential race but for down-ballot races, when people outside swing states stay home on Election Day because they believe their vote for president carries no weight. Data shows turnout in swing states is consistently higher compared with non-swing states.²¹

The Electoral College must be either abolished or stripped of its power. One option is to pass a constitutional amendment that ends the Electoral College and declares the winner of the popular vote the winner of the presidential election.

The other possibility is for more states to choose to join the National Popular Vote Interstate Compact. States participating in the compact commit to awarding their electoral votes to the winner of the national popular vote, an obligation triggered only after the compact is adopted by states that control at least 270 electoral votes — the number required to win the presidency.²² In 2007, Maryland became the first state to adopt the compact.²³ In total, 18 states plus Washington, DC, with a total of 222 electoral votes among them, have adopted it so far.²⁴

>> Guarantee funding for election security.

One election principle that enjoys rare bipartisan agreement is that our elections must be safe, secure, and free from fraud and outside interference. States may be charged with administering elections, but the federal government assists and supports them, including by providing funding and important cybersecurity and other technical support. Ideally, politics would be absent from the process of funding election security.

In 2002, Congress passed the Help America Vote Act in response to election administration errors and inconsistencies that led to disenfranchisement. The law included minimum standards for voting systems and required states to each create a centralized voter registration database. Crucially, Congress over time provided more than \$3 billion in funding to help states meet those requirements.²⁵

Elections have changed significantly since, with increased online, automatic, and same-day voter registration as well as expansions of early and mail voting. While these changes benefit voters, they have also placed significant strain on sometimes decades-old election systems. States are also responding to the first new voting system standards in decades. These standards will increase security and accessibility, but too many states lack the resources to implement and take advantage of new technologies. Since the Help America Vote Act passed, funding from Congress has been sporadic: After big injections in 2018 and 2020 (\$380 million and \$425 million, respectively), federal funding hasn't exceeded \$75 million in any year since.²⁶

A failure to fund elections is itself a threat to election security. Without proper funding, states could lack the ability to prevent cyberattacks, handle modern voter registration demands, or conduct robust post-election audits that help ensure accuracy.

Congress must provide another major infusion of resources to help ensure that all states get up to modern standards. This means creating a reliable, nonnegotiable funding stream, likely around \$400 million a year, which would cover a significant portion of what's needed to become and remain up-to-date on election security.²⁷

>> Offer statehood to Washington, DC, and Puerto Rico.

The citizens of Washington, DC, and Puerto Rico lack representation, belying their rights as U.S. citizens. Subject to their citizens' desires, DC and Puerto Rico should be admitted as states.

Nearly 700,000 U.S. citizens, many of them public servants in various governmental agencies, live in the nation's capital. Yet no member of Congress votes on their behalf. The Constitution empowered legislators to establish a federal capital district, but the founders limited voting seats in Congress to states. It also meant DC citizens couldn't vote in presidential elections until ratification of the 23rd Amendment in 1961. In addition, the city and its citizens lack autonomy because Congress has extensive authority over its budget, retaining the right to review and nullify legislation passed by its local government.²⁸

For its part, Puerto Rico has a population of more than 3 million people, whose only representation in Congress is a single delegate who cannot vote on the final passage

of legislation.²⁹ Residents of Puerto Rico cannot vote in presidential general elections.

Further, DC, with a population larger than Vermont and Wyoming, is more than 40 percent Black.³⁰ Puerto Rico's population is, of course, overwhelmingly Latino.³¹ Denying these citizens full representation in Congress is another way voters of color are disenfranchised.

Congress has the power to admit DC and Puerto Rico as states and should mind the process consistent with the admission of the 37 states after the original 13, which includes the consent of the people of the potential state. (In 2016, 86 percent of DC voters were in favor of statehood.³² Support for statehood among Puerto Ricans is less clear; a majority of Puerto Rican voters selected statehood among three options in 2024, though remaining a commonwealth was not offered on the ballot.)³³

Some Republicans have opposed DC statehood because the district votes heavily Democratic. How Puerto Rico would vote in presidential elections is impossible to know. But whom people vote for does not justify denying them their rights as citizens. As President Richard Nixon said of DC residents in 1968, the lack of a voice in Congress "should offend the democratic sense of this nation."³⁴

>> Amend the Constitution to establish an affirmative constitutional right to vote.

The Supreme Court has often described voting as "preservative of all other rights." But its recent decisions have thoroughly undermined that right, emboldening policy-makers to enact discriminatory and suppressive voting policies and practices, while making it all but impossible to successfully challenge those practices in an effective and timely manner. And although the Constitution repeatedly mentions and protects voting rights, it unfortunately does not include an affirmative right to vote.

A constitutional amendment establishing an explicit, affirmative, and clearly enforceable right to vote is the most certain way to reverse course and prevent future erosions of the right by the Court.

The Constitution should be amended to state that all U.S. citizens age 18 and over have the right to vote in all elections and that federal, state, and local governments are prohibited from infringing on or denying that right, intentionally or not. The amendment should make clear that any policy or practice that hinders access to or dilutes the power of voting is at the very least suspect, and therefore subject to strict scrutiny. It should overrule *Callais* and make explicit that racial discrimination in voting, even if inadvertent, is forbidden. And it should overrule *Rucho* and ban partisan gerrymandering. Finally, it should give Congress and the courts robust power to remedy violations of the right to vote.

The notoriously difficult-to-amend Constitution has repeatedly been updated to expand access to the polls and prohibit discrimination. In 1870, the 15th Amendment declared that the right to vote could not be denied on the basis of race, color, or prior enslavement. The 19th Amendment, ratified in 1920, prohibited denying the vote on the basis of sex and thus allowed women to vote nationwide. The 26th Amendment, ratified in 1971, lowered the voting age to 18.

Those amendments show the importance and impact of proactive changes to protect and expand the electorate. But the Supreme Court's dismantling of the Voting Rights Act and defanging of the prohibitions in the 14th and 15th Amendments also demonstrate the limits of defining piecemeal who can vote and prohibiting only a denial of the vote, rather than including affirmative protections for voters. While Congress should also pass a statute affirming the right to vote, a constitutional amendment carries the weight of permanence that U.S. citizens' freedom to vote deserves.

Endnotes

- 1 Hannah Hartig et al., “Voter Turnout, 2020–2024,” Pew Research Center, June 26, 2025, <https://www.pewresearch.org/politics/2025/06/26/voter-turnout-2020-2024/>.
- 2 Arless Herzig et al., “Racial Gaps in Voter Turnout Are Growing — and Undermining Democracy,” Brennan Center for Justice, March 8, 2024, <https://www.brennancenter.org/our-work/analysis-opinion/racial-gaps-voter-turnout-are-growing-and-undermining-democracy>.
- 3 Lawrence Norden and Kate Lurie, “Foreign Influence vs. Foreign Interference in Elections,” Brennan Center for Justice, March 27, 2026, <https://www.brennancenter.org/our-work/research-reports/foreign-influence-vs-foreign-interference-elections>.
- 4 Brennan Center for Justice, “State Voting Laws Roundup: May 2026,” May 19, 2026, <https://www.brennancenter.org/our-work/research-reports/state-voting-laws-roundup-may-2026>.
- 5 Brennan Center for Justice, “The Freedom to Vote Act,” accessed July 14, 2026, <https://www.brennancenter.org/freedom-vote-act>; and Brennan Center for Justice, “The John R. Lewis Voting Rights Advancement Act,” September 19, 2023, <https://www.brennancenter.org/our-work/research-reports/john-r-lewis-voting-rights-advancement-act>.
- 6 Wendy R. Weiser and Eliza Sweren-Becker, “Congress Must Respond to Callais,” Brennan Center for Justice, May 20, 2026, <https://www.brennancenter.org/our-work/research-reports/congress-must-respond-callais>.
- 7 Adam Serwer, “The Supreme Court Has Invented a Right to Discriminate,” *Atlantic*, June 5, 2026, <https://www.theatlantic.com/ideas/2026/06/alabama-racial-discrimination-voting/687448/>.
- 8 Brennan Center for Justice, “State Voting Laws Roundup.”
- 9 Weiser and Sweren-Becker, “Congress Must Respond to Callais.”
- 10 Jedidajah Otte, “‘What a Circus’: Eligible US Voters on Why They Didn’t Vote in the 2024 Presidential Election,” *Guardian*, December 13, 2024, <https://www.theguardian.com/us-news/2024/dec/13/why-eligible-voters-did-not-vote>; Drew Desilver, “Turnout in U.S. Has Soared in Recent Elections but by Some Measures Still Trails That of Many Other Countries,” Pew Research Center, April 15, 2026, <https://www.pewresearch.org/short-reads/2022/11/01/turnout-in-u-s-has-soared-in-recent-elections-but-by-some-measures-still-trails-that-of-many-other-countries/>; and “Automatic Voter Registration,” Brennan Center for Justice, accessed August 18, 2026, <https://www.brennancenter.org/topics/voting-elections/voting-reform/automatic-voter-registration>.
- 11 Michael Waldman, “Early Victory for Voting Rights,” Brennan Center for Justice, April 29, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/early-victory-voting-rights>.
- 12 Brennan Center for Justice, “Automatic Voter Registration, a Summary,” updated October 26, 2023, <https://www.brennancenter.org/our-work/research-reports/automatic-voter-registration-summary>.
- 13 Kevin Morris and Peter Dunphy, “AVR Impact on State Voter Registration,” Brennan Center for Justice, April 11, 2019, <https://www.brennancenter.org/our-work/research-reports/avr-impact-state-voter-registration>.
- 14 Ballotpedia, “Same Day Voter Registration,” accessed August 18, 2026, https://ballotpedia.org/Same-day_voter_registration.
- 15 Cook Political Report, “2026 CPR House Race Ratings,” August 18, 2026, <https://www.cookpolitical.com/ratings/house-race-ratings>.
- 16 Brennan Center for Justice, “Rucho v. Common Cause,” August 1, 2019, <https://www.brennancenter.org/our-work/court-cases/rucho-v-common-cause>.
- 17 Avalon Project, “Madison Debates,” Yale Law School, accessed May 6, 2026, https://avalon.law.yale.edu/18th_century/debates_917.asp.
- 18 Dante Chinni, “The Country’s Population Is Growing — but Congress Is Standing Still,” NBC News, September 3, 2023, <https://www.nbcnews.com/meet-the-press/data-download/nations-population-growing-congress-standing-still-rcna103142>.
- 19 Maya Kornberg and Emily Whitehead, *Eight Solutions to Unstick Congress*, Brennan Center for Justice, June 9, 2026, <https://www.brennancenter.org/our-work/policy-solutions/eight-solutions-unstick-congress>.
- 20 Lee Drutman et al., “The Case for Enlarging the House of Representatives,” *Our Common Purpose*, December 8, 2021, <https://www.amacad.org/ourcommonpurpose/enlarging-the-house/section/5>.
- 21 National Popular Vote, “Voter Turnout Is Higher in ‘Battleground’ States,” May 21, 2026, <https://www.nationalpopularvote.com/sites/default/files/202605/turnout-2024-v5-2026-5-21.pdf>; Richard J. Sebulba et al., “Battleground States and Voter Participation in U.S. Presidential Elections: An Empirical Test,” *Applied Economics* 45, no. 26 (November 2012): 3795–99, <https://www.tandfonline.com/doi/abs/10.1080/00036846.2012.727981>; and Keena Lipsitz, “The Consequences of Battleground and ‘Spectator’ State Residency for Political Participation,” *Political Behavior* 31 (June 2009): 187–209, <https://link.springer.com/article/10.1007/s11109-008-9068-7>.
- 22 National Popular Vote, “National Popular Vote,” accessed July 14, 2026, <https://www.nationalpopularvote.com>.
- 23 Brady Horine, “What Is the National Popular Vote Interstate Compact?,” *League of Women Voters*, September 23, 2024, <https://www.lwv.org/blog/what-national-popular-vote-interstate-compact>.
- 24 National Popular Vote, “National Popular Vote.”
- 25 National Popular Vote, “National Popular Vote”; and “Help America Vote Act (HAVA),” Office of the [Connecticut] Secretary of State, accessed August 21, 2026, <https://portal.ct.gov/sots/election-services/hava/hava-help-america-vote-act>.
- 26 Karen L. Shanton, “Election Security: Federal Funding for Securing Election Systems,” Congressional Research Service, April 20, 2026, <https://www.congress.gov/crs-product/IF11286>. In addition, Congress appropriated \$400 million in election funding through the CARES Act in 2020. Congress provided this funding to assist states with increased costs in the 2020 election caused by the Covid-19 pandemic, rather than to fund long-term election administration and security investments. The grant program expired in 2022. Coronavirus Aid, Relief, and Economic Security (CARES) Act, 134 Stat. 281, Public Law 116-136 (March 27, 2020).
- 27 Lawrence Norden and Edgardo Cortés, “What Does Election Security Cost?,” Brennan Center for Justice, August 15, 2019, <https://www.brennancenter.org/our-work/analysis-opinion/what-does-election-security-cost>.
- 28 Meryl Justin Chertoff, “Washington, DC Needs Stronger ‘Home Rule,’” *State Court Report*, April 11, 2025, <https://statecourtreport.org/our-work/analysis-opinion/washington-dc-needs-stronger-home-rule>.
- 29 Office of Congressman Pablo José Hernández, “What Is a Resident Commissioner?,” accessed July 14, 2026, <https://hernandez.house.gov/about-pablo-jose/resident-commissioner>.
- 30 QuickFacts District of Columbia, U.S. Census Bureau, accessed August 18, 2026, <https://www.census.gov/quickfacts/fact/table/DC/RHI225225#RHI225225>.

31 QuickFacts Puerto Rico, U.S. Census Bureau, accessed August 18, 2026, <https://www.census.gov/quickfacts/fact/table/PR/PST045225>.

32 “FAQ,” State of Washington, DC, accessed August 18, 2026, <https://statehood.dc.gov/page/faq>.

33 Ballotpedia, “Puerto Rico Statehood, Independence, or Free Association Referendum (2024),” accessed August 21, 2026, [https://ballotpedia.org/Puerto_Rico_Statehood,_Independence,](https://ballotpedia.org/Puerto_Rico_Statehood,_Independence,_or_Free_Association_Referendum_(2024))

[or_Free_Association_Referendum_\(2024\)](https://ballotpedia.org/Puerto_Rico_Statehood,_Independence,_or_Free_Association_Referendum_(2024)); and Office of Congressman Pablo José Hernández, “Opinion: Puerto Rico’s Democrats Like Their Commonwealth Status,” October 24, 2025, <https://hernandez.house.gov/media/op-ed/opinion-puerto-ricos-democrats-their-commonwealth-status>.

34 Maya Efrati, “DC Statehood, Explained,” Brennan Center for Justice, March 18, 2022, <https://www.brennancenter.org/our-work/research-reports/dc-statehood-explained>.

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