

# BRENNAN CENTER FOR JUSTICE

February 26, 2021

Dear Members of Congress:

On behalf of the Brennan Center for Justice at NYU School of Law, we urge you to vote for the For the People Act (H.R.1 and S.1), and against any last-minute efforts to weaken the bill.

Since its initial passage by the House in 2019, the need for this legislation has only become more apparent. The For the People Act responds to twin crises that continue to face our country: the attack on democracy epitomized by the January 6 assault on the U.S. Capitol, and the urgent demand for racial justice. It is based on the key insight that the best way to defend democracy is to strengthen it. If enacted, it would be the most significant voting rights and democracy reform since the civil rights movement.

The 2020 election featured historic levels of voter mobilization — the highest in more than half a century — despite a deadly pandemic. But there were also unprecedented efforts to thwart the electoral process, undermine faith in election integrity, and disenfranchise voters, primarily in communities of color. And in a series of decisions leading up to the election, the Supreme Court made clear that it would not allow the federal courts to intervene to protect voters. This past election was also the most expensive on record, with ordinary Americans who made small donations vastly outspent by big money interests, including super PACs and dark money groups. And with the 2021 redistricting cycle approaching, extreme partisan gerrymandering again threatens to give lopsided advantages to the political party that controls each state's drawing of maps, advantages that could last for most of the decade given the increasing sophistication of gerrymandering techniques.

While these problems were more extreme this cycle, they are hardly new. For more than a decade, efforts to restrict voting access have gained steam, wealthy donors have maintained outsized sway over policy, gerrymandering has become more brazen, and guardrails against discrimination, corruption, and manipulation of rules for personal gain have been cast aside or eroded. The Covid-19 pandemic, whose effects in terms of both health and economic well-being have fallen disproportionately on communities of color, underscores the urgent need for a democracy that serves all Americans.

Congress has the power to fix these problems, and the leadership of both chambers has committed to doing so as a top priority. Now is the time to make good on this commitment and pass the For the People Act.

Among the most important provisions in this historic legislation are:

**Modernizing Voter Registration.** The For the People Act would make automatic voter registration, which 19 states and the District of Columbia have already approved, the national standard. Automatic registration is a transformative reform under which eligible voters are automatically registered when they provide information to the government at the DMV or other agencies, unless they opt out. It could add as many as 50 million new eligible voters to the rolls. It improves the integrity of the rolls and saves money. H.R.1 would also require online and same-day voter registration and curtail illegal purges of the voter rolls. Taken together, these reforms would modernize our system and solve almost all of the registration problems that routinely plague elections and keep millions of Americans from voting. No change is more important for giving all eligible voters the chance to cast their ballots.

**Small-Donor Public Financing.** The For the People Act would create a voluntary program to amplify the voices of small, private donors, using public funds to match contributions of up to \$200 6-to-1. It would also revamp and expand to the general election a similar program for presidential primaries that for three decades was used by every major contender. These provisions are self-funding — they do not use any taxpayer funds. No reforms would do more to rectify the worst effects of the Supreme Court's 2010 *Citizens United* decision. In New York City, where small donor public financing has been in place for decades, it has diversified the donor pool, helped candidates of modest means and from diverse backgrounds run for office, and allowed elected officials to spend more time talking to their constituents instead of fundraising from big donors. If enacted for congressional races, small donor matching would also significantly narrow the fundraising gap for candidates of color (who typically must work harder to raise the same amounts as their white peers), especially women of color.

**Restoring the 1965 Voting Rights Act.** The For the People Act would affirm Congress's commitment to restore the full protections of the 1965 Voting Rights Act (VRA), the landmark civil rights law the Supreme Court hobbled in *Shelby County v. Holder* in 2013. The absence of these protections has ushered in a wave of restrictive voting measures and allowed discriminatory changes to voting rules to stay in effect for years. Full restoration of the VRA is accomplished by the John R. Lewis Voting Rights Act, which Congress should again pass as soon as it has amassed a sufficient legislative record.

**Voting Rights Restoration.** The For the People Act would restore federal voting rights to citizens with past criminal convictions living in our communities — strengthening those communities, offering a second chance to those who have served their time, and

removing the stain of a policy born out of Jim Crow. It offers a clear and bright-line rule that will reduce confusion for both citizens and election officials alike.

**Redistricting Reform.** The For the People Act would create strong uniform rules for congressional redistricting, including strengthened protections for communities of color and a statutory ban on partisan gerrymandering. It would also ensure greater transparency in the redistricting process and add enhanced judicial remedies to ensure that discriminatory maps can quickly be challenged in court and fixed. Absent these measures, extreme gerrymandering and discrimination against communities of color will continue to run rife in the upcoming redistricting cycle.

**Nationwide Early Voting.** The For the People Act would ensure that all states have at least two weeks of early voting to boost turnout among working Americans, reduce long lines, and help officials identify and address problems before Election Day. More than 100 million Americans voted early in 2020, a substantial increase over previous years, which additionally helped to ensure a safe and secure election in the pandemic context.

**Shoring up Campaign Finance Rules.** The For the People Act would extend common-sense transparency rules to online political advertising and close other loopholes, tighten rules intended to keep super PACs and dark money groups independent of candidates, and overhaul the Federal Election Commission to prevent deadlocks and enforce campaign finance laws more effectively.

**Election Security.** The For the People Act would bring needed improvements to election security by requiring states to replace paperless electronic voting machines, promoting risk-limiting audits, creating grants to help states enhance election security on an ongoing basis, and ensuring election system vendors meet security requirements, among other changes.

**Government Ethics.** Finally, the For the People Act would bolster enforcement of executive branch ethics rules, slow the revolving door between the private and public sectors, require disclosure of presidential tax returns, tighten restrictions on congressional conflicts of interest, and require a code of ethics for the Supreme Court, among other things.

A more detailed explanation of the Brennan Center's support for the reforms in the For the People Act is set forth in a recent Brennan Center [white paper](#). That paper and a variety of other resources, including a [section-by-section guide](#) to the bill as introduced in the House in January 2021, can be found on our [website](#).

The challenges of the 2020 election — culminating in the assault on our democracy on January 6, 2021 — as well as ongoing state-level attacks on voting have sent a clear message: Congress must step in to repair and safeguard American democracy. These ambitious but necessary reforms are key to our nation's ability to address many other

central priorities, from repairing the damage of the coronavirus pandemic to the renewed push for true racial justice. The For the People Act is historic legislation. We strongly support the entire package and urge you to pass it.

Sincerely,  
Michael Waldman, President  
Wendy R. Weiser, Vice President for Democracy  
Daniel I. Weiner, Deputy Director, Election Reform