



Extremists' Plot to Nationalize Voter Suppression: *2023 and Beyond*



INTRODUCTION

The January 6th Select Committee has done critical work exposing the conspiracy to foment the insurrection and overturn the 2020 presidential election. The Committee's work has laid bare that the insurrection's violent rejection of democracy did not randomly occur in a vacuum. It was rooted in the Big Lie, and its legacy lives on in a wave of voter suppression legislation nationwide. Although significant attention has focused on the more than 400 anti-voter bills that have been introduced (several dozen of which have become law) in state legislatures since the insurrection, some federal bills making it harder to vote also portend a dangerous trend. Since the insurrection, congressional Republicans have introduced more than 30 anti-voter bills that have largely gone unnoticed. These anti-voter bills telegraph what some Republicans in Congress would like to do: make it harder for certain Americans to vote.

While none of these federal anti-voter bills will become law this year, if control of Congress switches after this November's election, a Congress with different leadership may try to advance some of these proposals and do at the federal level what self-interested, power-hungry legislators in certain states are trying to do: make it harder to vote, and in ways that are disproportionately targeted at Black and Brown voters. Instead of silencing voters on a state-by-state basis, certain members of Congress who introduced these anti-voter bills may try to disenfranchise some voters in one fell swoop. This short report highlights the categories of different types of anti-voter bills that have been introduced in the 117th Congress.



VOTER REGISTRATION

“A bill to repeal the National Voter Registration Act” (H.R. 36), Rep. Andy Biggs, R-AZ: This bill would eliminate the National Voter Registration Act, aka “motor voter” law (*this bipartisan law has helped tens of millions of Americans register to vote when getting their drivers’ licenses over the past 30 years*)

“Ensuring American Voters Act” (H.R. 873), Rep. Bob Gibbs, R-OH: This bill would prohibit states from registering an individual to vote in federal elections unless the individual provides documentary proof of U.S. citizenship (*this bill is a solution in search of a problem; there is no evidence of non-citizens trying to register to vote in any concerted effort in federal elections; this bill would likely make it harder for millions of Americans, including many elderly citizens, to vote*)

“Protecting American Voters Act” (H.R. 2343), Rep. Chip Roy, R-TX: This bill would, among other provisions, require the Department of Homeland Security and the Social Security Administration to provide certain information to a state election official to verify citizenship status for the purpose of voting in federal elections and verify that an applicant for voter registration is a U.S. citizen (*this bill is a solution in search of a problem; for many older Americans and unhoused Americans, this bill may disproportionately impact them and make it harder for many citizens to vote*)

“A bill to nullify Executive Order 14019 relating to promoting voter access” (H.R. 7984), Rep. Alex Mooney, R-WV: This bill would undo the executive order issued by President Biden directing federal agencies to take steps to help promote voter registration (*this could negatively impact millions of voters who would otherwise be able to register to vote when interacting with federal agencies*)

“Citizen Ballot Protection Act” (H.R. 8223), Rep. Gary Palmer, R-AL: This bill would allow a state to include on its mail voter registration application form a requirement that the applicant provide proof of U.S. citizenship (*this bill is a solution in search of a problem; there is no evidence of non-citizens trying to register to vote in any concerted effort in federal elections; many eligible voters, such as older Americans and those who have emigrated to the U.S., may not have a birth certificate or other physical documents*)

“Promoting Free and Fair Elections Act” (H.R. 8461/S. 4997), Rep. Ted Budd, R-NC, and Sen. Mike Lee, R-UT: This bill would prohibit federal agencies from soliciting or entering into agreements with nongovernmental organizations to conduct voter registration or voter mobilization activities on the property or website of the agency or from using Federal funds to carry out activities directed under Executive Order 14019 (*this could negatively impact millions of voters who would otherwise be able to register to vote when interacting with federal agencies, especially as nongovernmental organizations are often trusted entities and reach into many communities*)



ELECTION ADMINISTRATION/PROCESSES

“A bill to amend the Help America Vote Act of 2002 to prohibit a State from counting a ballot cast in an election for Federal office which is received by the State after the date of the election” (H.R. 1293), Rep. Louie Gohmert, R-TX: This bill would prohibit states from counting ballots that are received after the date of a federal election, except for overseas citizens and members of the military (*especially with the slowdown of mail delivery, this bill could prevent many Americans from having their votes counted if they mail their ballots less than a week before election day*)

“Foreign-Free Elections Act” (H.R. 1294), Rep. Louie Gohmert, R-TX: This bill would prohibit foreign entities from carrying out the administration of federal elections, including maintaining or operating equipment or software and prohibit a nonprofit organization from carrying out activities related to voting or elections for state public office if the organization accepts funds from a foreign entity (*in part because of supply chain issues, many local election jurisdictions likely wouldn’t be able to run their elections because the U.S. does not yet produce all components of voting machines and election-related materials*)

“VOTER ID Act” (H.R. 1529), Rep. Bruce Westerman, R-AR: This bill would require all states to attest to the Election Assistance Commission that they have “voter identification procedures and practices” in place (*for the 15 states that do not require voter ID, millions of voters could potentially be disenfranchised*)

“Election Protection Act” (H.R. 2844), Rep. Mike McCaul, R-TX: This bill would in part condition Election Assistance Commission funding to states by requiring them to certify to the EAC that voters present certain identifications (*for the 15 states that do not require voter ID, millions of voters could potentially be disenfranchised*)

“Vote Outcome Transparency in Elections (VOTE) Act” (H.R. 4044), Rep. Byron Donalds, R-FL: This bill would require election officials to publicize the number of voted ballots that have been received and counted in an election for Federal office at the time of the closing of polls (*this could have the effect of confusing voters who are still waiting in line to vote and could undermine faith and confidence in the eventual outcome of the election*)

“Safe and Certain Elections Act” (H.R. 5037), Rep. Beth Van Duyne, R-TX: This bill would in part require states to create a program to remove certain supposedly ineligible voters from the voter rolls up to 90 days before a federal election (*purging voters from voter rolls this close to an election gives wrongly removed individuals little recourse to be added back to voter rolls in time to cast a ballot*)

“Clean Elections in America Act” (H.R. 7270), Rep. Glenn Grothman, R-WI: The bill would prohibit states from providing individuals with absentee ballots to vote in federal elections unless voters meet specified application requirements and are unable to vote in person due to specified reasons (*especially during the pandemic, mailing absentee ballots to voters helped ensure strong voter turnout, and ending this practice could significantly hurt turnout rates*)

“Citizen Vote Protection Act” (H.R. 7960), Rep. Rodney Davis, R-IL: This bill would prohibit federal agencies from accepting a state-issued driver’s license or identification card unless the document includes the individual’s citizenship status (*this would be a significant burden and could make it harder for millions of Americans to vote if they’re required to get a separate ID*)

“Promoting Election Integrity by Proving Voter Identity Act” (S. 1130), Sen. Rick Scott, R-FL: This bill would require individuals to provide proof of identification for absentee and in-person voting (*for the 15 states that do not require voter ID, millions of voters could potentially be disenfranchised*)



FUNDING

“Eliminating Foreign Intervention in Elections Act” (H.R. 93), Rep. Jeff Duncan, R-SC: This bill would prevent the federal government from providing funding to any state or locality that allows non-citizens to vote in state or local elections (*at least 15 localities allow non-citizens to vote in local elections, and this bill would prevent these cities from receiving any investments from the federal government to support our communities*).

“You Must Be Alive to Vote Act” (H.R. 860), Rep. Brian Babin, R-TX: This bill would prohibit states from receiving education and transportation funding unless they have an agreement with the Social Security Administration to remove the names of voters who have passed away (*because of flaws in record-keeping, this practice could unintentionally remove many Americans from voter lists with the same or similar names*)

Protecting the Right to Organized, Transparent Elections through a Constitutionally Trustworthy (PROTECT) Electoral College Act, (H.R. 4789/S. 519), Rep. Claudia Tenney, R-NY, and Sen. Bill Hagerty, R-TN: This bill would suspend and put additional constraints on federal election security grants (*states and localities heavily depend on federal funding to safely and securely run elections, and blocking federal funding for elections would likely make it harder for many Americans to vote*)

“Protecting Our Democracy by Preventing Foreign Citizens from Voting Act” (H.R. 6299/S. 3403), Rep. Jeff Duncan, R-SC, and Sen. Marco Rubio, R-FL: This bill would prohibit federal funds from being made available to state or local governments that allow noncitizens to vote in federal, state, or local elections (*at least 15 jurisdictions allow non-citizens to vote in local elections, and preventing these localities from receiving any investments from the federal government would reduce their police forces, emergency responders, and other critical infrastructure*)

“One Citizen One Vote Act” (H.R. 6446), Rep. Bob Good, R-VA: The bill would bill prohibits the Election Assistance Commission from making payments to any state or locality unless the state or locality requires a photo identification for voting and does not allow noncitizens to vote in any election (*states and localities heavily depend on federal funding to safely and securely run elections, and blocking federal funding for elections would likely make it harder for many Americans to vote*)

“Protect American Election Administration Act” (H.R. 7117), Rep. Tom Cole, R-OK: The bill would prohibit a state from soliciting, receiving, or expending any payment or donation of funds, property, or personal services from a private entity for the purpose of administering a federal election (*when the federal government has not met its obligation to states and localities, non-profits, religious organizations, and other outside entities sometimes step in to supplement costs for election administration practices, so this bill could have a harmful effect on voter turnout*)

“No Federal Funds for Ballot Harvesting Act” (H.R. 7958), Rep. Rodney Davis, R-IL: The bill would requires all states, in order to receive federal funds for election administration, to prohibit the knowing collection and transmission of a ballot in a federal election that was mailed to another person (*many Americans, especially older, hospitalized, and disabled voters, among others, often require help when delivering a completed ballot, and this bill could potentially make it harder for millions of Americans to vote by mail or cast an absentee ballot*)



MISCELLANEOUS/2020 ELECTION/MULTI-ISSUE BILLS

“Voter Integrity Protection Act” (H.R. 37), Rep. Andy Biggs, R-AZ: This bill would create harsher penalties for non-citizens who inadvertently vote in federal elections (*it’s already illegal for non-citizens to vote in federal elections, and this bill could deter eligible citizens from voting*).

“Save Democracy Act” (H.R. 322/S. 459), Rep. Jim Banks, R-IN, and Sen. Rick Scott, R-FL: This bill would, among other things:

- Eliminate automatic voter registration systems (*which at least 20 states ranging from Alaska to West Virginia already have adopted*);
- Prohibit states from automatically mailing absentee ballots (*which helped fuel record turnout in the 2020 election*)

- Prohibit the use of most drop boxes for collecting completed absentee ballots (*which millions of Republican, Democratic, and independent voters used last election*); and
- Require that absentee ballots be received before the polls close on election day (*this would disenfranchise thousands of military voters currently serving overseas, among other voters*).

“A bill to establish the Election Integrity Commission to study the integrity and administration of the general election for Federal office held in November 2020 and make recommendations to Congress to improve the security, integrity, and administration of Federal elections” (H.R. 607), Rep. Lloyd Smucker, R-PA: This bill would essentially relitigate the 2020 presidential election (*then-President Trump’s own appointees at the Department of Homeland Security [declared](#) that it was the “most secure in American history” and that the former president lost more than 60 court cases about the election*)

“Believe In Delaware Election Nobility (BIDEN) Act” (H.R. 5448), Rep. Louie Gohmert, R-TX: This bill would prohibit states from:

- Using automatic voter registration systems;
- Providing absentee ballots to individuals unless they meet specified application requirements and are unable to vote in person;
- Using drop boxes to collect completed absentee ballots unless the box is located within a building that serves as an office for an election official;
- Accepting completed absentee ballots that are received after the polls close on election day; and
- Allowing individuals to vote at a polling place during an early voting period.
(*prohibiting these practices would make it harder for many Americans to vote*)

“American Confidence in Elections (ACE) Act” (H.R. 8528), Rep. Rodney Davis, R-IL: This bill would in part:

- Block Executive Order 14019 (instructing federal agencies to assist in voter registration) from being fully implemented;
- Prohibit the use of federal funds by states to administer elections for federal office unless the state imposes certain restrictions on “ballot harvesting” and on the transmission of mail ballots; and
- Prevent Washington, D.C., from using same-day registration
(*prohibiting these practices would make it harder for many Americans to vote*)

“Verifiable, Orderly, and Timely Election Results (VOTER) Act” (S. 301), Sen. Rick Scott, R-FL: This bill would:

- Require mail-in ballots to be received by the time the polls close on election day
- Prohibit individuals other than the voter from possessing or returning a mail-in ballot completed by another person
- Require states to count all eligible ballots within 24 hours after the election
- Require voters to present identification to cast a ballot in a federal election
(*all of these practices would make it harder for many Americans to vote*)

CONCLUSION

Despite these several dozen anti-voter bills that have been introduced in the last two years by congressional Republicans, there have been dozens of pro-voter bills introduced that would protect and expand the right to vote. Since 2019, the House of Representatives has passed the For the People Act (twice), the John R. Lewis Voting Rights Advancement Act (twice), and the Freedom to Vote: John R. Lewis Act, all of which would protect and strengthen the right to vote for all Americans. Despite these bills receiving majority support in the Senate, continued filibusters by Senate Republicans have blocked these bills from becoming law, nevertheless even receiving a full public debate. Reforming the filibuster is essential to protecting our freedom to vote because no arcane Senate procedure should outweigh the ability for Americans to have our voices heard and votes counted.

To help evaluate lawmakers' performance and candidates' positions on protecting the freedom to vote and strengthening our democracy, Common Cause has developed two nonpartisan resources this year for our more than 1.5 million supporters and all Americans who care about protecting the freedom to vote. The first tool, the [2022 Democracy Scorecard](#), assesses all members of Congress on between 15-18 votes and bills related to voting rights and democracy issues. Our congressional candidate questionnaire, "[Our Democracy 2022](#)," asks congressional candidates to respond to 20 key voting rights and democracy questions. Concerned citizens can enter their address on either resource to see what their elected officials and/or congressional candidates will do to protect and strengthen our democracy.

As the January 6th Select Committee's work has continued to reveal, the freedom to vote remains under attack. Authoritarians in numerous states unsuccessfully tried to overturn election results with which they disagreed. However, anti-democracy state legislatures are laying the groundwork to again try to make it harder to vote, and MAGA Republicans in Congress are following the lead of certain state legislatures. We cannot take our freedom to vote for granted.

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While not every provision in the several dozen bills included here would erode the freedom to vote, these bills contain provisions that, on the whole, would make it harder for many Americans to vote.



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