



**States
United**
DEMOCRACY
CENTER



**Voter
Protection
Program**

**The Impact of H.R. 1 &
S.1 on Voting:
An Analysis of Key
States**

Updated May 6, 2021



The States United Democracy Center is a nonpartisan organization advancing free, fair, and secure elections. We focus on connecting state officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy. We are more than a think tank – we are an action tank. And together, we are committed to making sure every vote is counted, every voice is heard, and every election is safe. The first edition of this report was put together by the Voter Protection Program in March 2021.

This report was edited by States United Democracy Center CEO Joanna Lydgate, Executive Chair Ambassador Norman Eisen (ret.), and States United staff and counsel.

For more information, visit
<https://statesuniteddemocracy.org/>.



Table of Contents

<i>Introduction</i>	<i>1</i>
<i>Arizona</i>	<i>3</i>
<i>Florida</i>	<i>7</i>
<i>Georgia</i>	<i>12</i>
<i>Kentucky</i>	<i>18</i>
<i>Maine</i>	<i>23</i>
<i>Michigan</i>	<i>30</i>
<i>Minnesota</i>	<i>33</i>
<i>Nevada</i>	<i>36</i>
<i>North Carolina</i>	<i>40</i>
<i>Oregon</i>	<i>45</i>
<i>Pennsylvania</i>	<i>50</i>
<i>Texas</i>	<i>56</i>
<i>Utah</i>	<i>61</i>
<i>West Virginia</i>	<i>66</i>
<i>Wisconsin</i>	<i>73</i>



**Voter
Protection
Program**



Introduction

American democracy is at a crossroads. A group of federal, state, and local officials have emerged from the unprecedented and unjustified attacks on the 2020 election determined to build on the historic voter participation we witnessed last year and improve the way we vote. Another equally determined group of officials and advocates are unwilling to abandon the assault on voting, despite its dangerous consequences—including the January 6 insurrection. The two camps are responsible for hundreds of bills in more than forty states across the country.

The For the People Act (H.R.1), which passed the U.S. House on March 4, 2021, and its Senate version, S.1, which will be marked-up in the Rules Committee on May 11, 2021, are at the center of that nationwide contest about our elections. The bill represents a once-in-a-generation opportunity to establish nationwide rules, using some of the best practices in the states. It would help protect the freedom to vote and block the worst attempts to build barriers to voting. If signed into law, the bill would restore voters to their rightful place: the center of American democracy. In the wake of the January 6 insurrection and the ongoing effort in most states to use the Big Lie that fueled that attack to roll back voting progress, the stakes could not be higher.

The general provisions of the For the People Act are clear, but there has been too little attention on how they will work from jurisdiction to jurisdiction. Although the bill is moving on the federal level, the power of election administration remains with the states. As the rules are applied by the states, the impacts will vary. Some states have already implemented many of the key election provisions in the bill—for example, they may use automatic voter registration, allow no-excuse absentee balloting, provide early voting days, require challenges to a voter’s eligibility to be based on personal and reliable knowledge, restore civil rights to individuals who have served their time, or mandate the use of paper ballots that can be double-checked by the voter. Many other states do not, and H.R.1/S.1 would have significant democracy benefits for their residents.

In this in-depth look at how H.R. 1/S. 1 would affect particular states, we focus on how the legislation would protect the freedom to vote in fifteen key places across the United States: Arizona, Florida, Georgia, Kentucky, Maine, Michigan, Minnesota, Nevada, North Carolina, Oregon, Pennsylvania, Texas, Utah, West Virginia, and Wisconsin. These states set records for voter registration and participation in 2020 and saw the most aggressive attempts to undermine the will of the American people. The overall impact of H.R. 1/S. 1 is clear: voters in every state we surveyed will see a notable improvement on the ground as they cast their ballots.

The For the People Act would also help thwart the wave of regressive and anti-voter laws that is building in the states. Nationwide, states are debating bills seeking to limit the freedom to vote.¹ They are part of a coordinated strategy to distort election outcomes by throwing up barriers to particular groups of voters casting their ballots. Many of these bills are founded on blatantly false claims about election fraud that have been rejected in virtually every court to consider them

¹ The Brennan Center for Justice, “State Voting Bills Tracker 2021,” *Brennan Center*, available at <https://www.brennancenter.org/our-work/research-reports/state-voting-bills-tracker-2021>.

and debunked by local leaders and experts alike, using the facts on the ground.² As former Attorney General William Barr reported, the U.S. Department of Justice did not see “fraud on a scale that could have effected a different outcome in the election.”³ There is no need to remedy ills that never existed.

In a state like Texas, voting barriers would be brought down – including new ones that are currently being pushed. Automatic voter registration would have to be implemented for federal elections, and unfair and inaccurate voter purging practices would be barred. No-excuse absentee voting would be allowed beyond the current group of over-65 voters eligible for it. Drop boxes for absentee votes would be deployed through the counties based on voter population. Partisan gerrymandering would be barred, and federal congressional districts would be drawn by an independent commission. For those concerned about fraud and safety, the bill would require that Texas modernize and strengthen its election systems against attacks through the use of mandated threat assessments, security requirements for voting machines, and audit requirements.

America faces a stark choice between embracing a dangerous, Big Lie-based anti-voter ideology, or one that empowers the American voter and secures our democracy. Compiled by legal teams with expertise in each of the jurisdictions catalogued, the fifteen state-by-state analyses that follow show the ways H.R.1/S.1 will ensure commonsense improvements to election administration of federal elections in the states supported by bipartisan leaders throughout the nation.

American voters should not have to fight their way to the polls every year. H.R. 1/S. 1 establishes a secure foundation that protects the freedom to vote, which everyone should be able to agree on.

² Voter Protection Program, “Countering Lies about the 2020 Election,” *Voter Protection Program*, January 13, 2021, available at <https://voterprotectionprogram.org/wp-content/uploads/2021/01/000A-Myths-and-Facts-of-the-2020-Presidential-Election-20210113-FINAL.pdf>; Jim Rutenberg, Nick Corasaniti and Alan Feuer, “Trump’s Fraud Claims Died in Court, but the Myth of Stolen Elections Lives On,” *The New York Times*, January 7, 2021, available at <https://www.nytimes.com/2020/12/26/us/politics/republicans-voter-fraud.html>; see also Reuters staff, “Fact check: Courts have dismissed multiple lawsuits of alleged electoral fraud presented by Trump campaign,” *Reuters*, February 15, 2021, available at <https://www.reuters.com/article/uk-factcheck-courts-election/fact-check-courts-have-dismissed-multiple-lawsuits-of-alleged-electoral-fraud-presented-by-trump-campaign-idUSKBN2AF1G1>.

³ Michael Balsamo, “Disputing Trump, Barr says no widespread election fraud,” *AP*, December 1, 2020, available at <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.



Arizona

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Arizona that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R. 1/S.1—including those relating to universal mail-in or absentee voting and independent redistricting commissions—already exist in some form in Arizona. Other requirements, such as those relating to same day registration, would more fundamentally change Arizona’s procedures for conducting federal elections.

Here are the most salient ways in which H.R.1/S.1 would affect voting in Arizona:

Expanding & Protecting Voter Registration Opportunities

- Requires Arizona to implement automatic voter registration using data reported by contributing agencies and makes available grants to assist Arizona in doing so.⁴
- Allows same-day registration on Election Day and during in-person early voting. Arizona currently requires registration to be received before midnight of the 29th day preceding the date of the election.⁵
- Mandates new minimum age for voter pre-registration from 17 years and six months to 16 years old. Arizona currently allows registration by any individual who will be 18 at the time of the next general election.⁶ This change will allow voter registration drives during a general election to register voters for the election thereafter.
- Requires universities to serve as voter registration agencies and to appoint “Campus Vote Coordinators” responsible for disseminating voter registration information.⁷
- Allows voters to submit sworn affidavits in lieu of government-issued identification when voting. Arizona already allows voters to register as “federal-only” voters without documentary proof of citizenship but requires voters (with a limited exception for certain

⁴ H.R. 1, Title I, Subtitle A, Part 2.

⁵ H.R. 1, Title I, Subtitle A, Part 3; *cf.* A.R.S. § 16-120.

⁶ H.R. 1, Title I, Subtitle A, Part 10; *cf.* AZ Procedures Manual, Ch.1, II.B; A.R.S. § 16-101(A)(2).

⁷ H.R. 1, Title I, Subtitle N, Part 1, § 1901.



members of federally recognized Native American tribes) otherwise to prove identity in order to cast a ballot.⁸

- Prohibits the removal of a voter from the rolls based on the failure of a registered voter to respond to any notice sent under the National Voter Registration Act (NVRA) process, unless the notice is returned as undeliverable. Arizona already relies principally on this method and requires more than one piece of returned official election mail. Consistent with the NVRA, Arizona prohibits systematic cancellations of registration records within 90 days of a primary or general election.⁹

Mandating Secure, Accessible Early Voting & Absentee Voting

- Requires Arizona to make in-person early voting available for 15 days before Election Day and imposes certain minimum requirements on the hours during which early voting is open during this time period.
- Requires that early voting polling places be accessible by public transportation “to the greatest extent practicable” and ensures certain levels of access in rural areas. Arizona currently has generous rules for early mail-in voting but leaves early in-person voting availability to the discretion of local officials.¹⁰
- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.¹¹
- Requires drop boxes be distributed on a non-discriminatory basis and sufficiently available in rural and Tribal communities. Tribal leaders must be consulted before determining the number and location of drop boxes on Tribal lands in a county. Arizona currently allows counties and municipalities to exercise discretion in choosing whether to establish drop box and drop-off locations. Such locations must be approved by the Board of Supervisors.¹²
- Requires Arizona to count mail-in ballots received up to ten days after Election Day if postmarked on or before Election Day. Arizona currently only counts ballots received on or before Election Day.¹³

⁸ H.R. 1, Title I, Subtitle G; *cf.* AZ Procedures Manual, Ch. 1, II.A(4); *id.* at Ch. 9, IV; A.R.S. § 16-579(A).

⁹ H.R. 1, Title II, Subtitle F; *cf.* AZ Procedures Manual, Ch. 1, VIII(C), (D).

¹⁰ H.R. 1, Title I, Subtitle H; *cf.* AZ Procedures Manual, Ch. 2, II; A.R.S. § 16-246(C).

¹¹ H.R. 1, Title I, Subtitle N, Part 1.

¹² H.R. 1, Title I, Subtitle N, Part 1, § 1907; *cf.* AZ Procedures Manual, Ch. 2, I; *id.* at (C)(3).

¹³ H.R. 1, Title I, Subtitle I; *cf.* A.R.S. §§ 16-547(C), 16-551(C).



- Allows Indian Tribes to designate one building per precinct at which ballots can be dropped off and allows certain voters to use the address of that building as their residential and mailing address for voter registration purposes.¹⁴

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹⁵
- Requires Arizona to take steps to ensure that voters wait no more than 30 minutes to vote. Arizona already requires the establishment of a wait time reduction plan intended to “ensure that voters do not have to wait in lines at the voting location for more than 30 minutes.”¹⁶ In the 2016 General Election, Maricopa County agreed to adopt a Wait Time Reduction Plan to settle claims prompted by hours-long waits in that year’s primaries.¹⁷
- Mandates any changes to polling place locations be announced seven days before Election Day.¹⁸ Arizona currently has no minimum notice requirement.
- Prohibits challenges to a voter’s eligibility based on race, ethnicity, or age by non-election officials. Requires all challenges to be submitted formally in writing, “supported by personal knowledge,” and “subject to an oath or attestation under penalty of perjury.” Arizona currently allows any qualified elector in the county to challenge a voter’s eligibility orally on Election Day. Under current practice, a challenged voter must affirm their eligibility under penalty of perjury even if they appear to be registered or vote a provisional ballot.¹⁹
- Requires that provisional ballots from eligible voters in the wrong precinct or polling place still be counted for those races in common with the correct precinct. The United States Supreme Court recently heard arguments on a challenge to Arizona’s current practice of not counting any portion of such ballots.²⁰
- Requires Arizona to restore civil rights to people with felony convictions upon release from prison, and to offer voter registration materials upon eligibility. Arizona already

¹⁴ H.R. 1, Title I, Subtitle N, Part 1, § 1904

¹⁵ H.R. 1, Title I, Subtitle N, Part 1.

¹⁶ H.R. 1, Title I, Subtitle N, Part 1, § 1906; AZ Procedures Manual Ch. 8, IX; ARS 16-411.

¹⁷ Adam DeRose, “Voting groups welcome Maricopa County plan to cut poll wait times,” *Cronkite News*, October 20, 2016, available at <https://cronkitenews.azpbs.org/2016/10/20/voting-groups-welcome-maricopa-county-plan-to-cut-polling-wait-times/>.

¹⁸ H.R. 1, Title I, Subtitle N, Part 1, § 1902.

¹⁹ H.R. 1, Title I, Subtitle C; cf. AZ Procedures Manual, Ch. 9, VII.

²⁰ H.R. 1, Title I, Subtitle G; cf. *Brnovich v. Democratic National Committee*, Docket No. 19-1257 (argument heard Mar. 2, 2021).



allows those with only misdemeanor convictions to register to vote, but only allows ex-felons to have their voting rights restored upon certain conditions.²¹

Strengthening Election Security & Trust in Elections

- Requires Arizona to begin pre-processing early voter ballots at least 14 days prior to the date of the election involved.²²
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²³
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election. Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election.²⁴
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.²⁵
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast. Arizona currently requires direct-recording electronic voting machines to produce a paper ballot for audit purposes but does not require that the paper ballot be verified by the voter before being cast or that the paper ballot constitute the vote that is cast.²⁶
- Permits the security of drop boxes through remote or electronic surveillance.²⁷

²¹ H.R. 1, Title I, Subtitle E; *cf.* AZ Procedures Manual, Ch. 1, II.D.

²² H.R. 1, Title I, Subtitle I.

²³ Amendment 5 to H.R.1, Part B.

²⁴ Amendment 26 to H.R.1, Part B.

²⁵ Amendment 27 to H.R.1, Part B.

²⁶ H.R. 1, Title I, Subtitle F; *cf.* AZ Procedures Manual, Ch. 4 I.(A)(2)(3)(e)

²⁷ Amendment 9 to H.R.1, Part B.

Florida

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Florida that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R.1/S.1—including those relating to online voter registration—already exist in some form in Florida. Other requirements, such as those relating to automatic voter registration, restoration of civil rights for people with felony convictions, and early voting, would more fundamentally change Florida's procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Florida:

Expanding & Protecting Voter Registration Opportunities

- Requires Florida to automatically register voters based on information available to specified state and federal agencies, so long as the resident does not opt out. Establishes a grant program to fund this new requirement.¹ Florida does not currently automatically register voters.
- Permits voters to register to vote at a polling place and vote on the same day. Applies to Election Day and early voting.² Floridians currently must register to vote 29 days before Election Day.³
- Prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information.⁴

Mandating Secure, Accessible Early Voting & Absentee Voting

- Establishes more options to obtain vote-by-mail ballots for disabled, overseas, and military voters.⁵
- Establishes a ballot tracking system, so voters can follow their ballot's status through the voting and counting process.⁶

¹ H.R. 1, Title I, Subtitle A, Part 2.

² H.R. 1, Title I, Subtitle A, Part 3.

³ Fla. Stat. § 97.055(1)(a).

⁴ H.R. 1, Title I, Subtitle C.

⁵ H.R. 1, Title I, Subtitle J.

⁶ H.R. 1, Title I, Subtitle I.



- Protects the distribution of applications for absentee ballots and voter registration.⁷
- Gives voters the option of early in person voting for a full 15 days before a federal election, including opportunities before and after business hours, on weekends, and on the day before Election Day.⁸ Florida currently does not permit early voting the day before Election Day and only requires early voting to begin ten days before Election Day, although many counties begin early voting 15 days before Election Day.⁹ Florida polls need not be open more than 8 hours per day for early voting.¹⁰
- Deems ballots postmarked by Election Day valid and must be counted, if delivered to election officials up to ten days after the election.¹¹ Except for overseas voters, current Florida law requires ballots be received by the local supervisor of elections by 7 p.m. on Election Day.¹²
- Requires that drop boxes be available 24 hours a day, for 15 days before Election Day and that the number of drop boxes be based on county population.¹³ Current Florida law requires drop boxes to be available at each office of the local supervisor of elections and early voting site and permits drop boxes at other locations. Drop boxes not located at supervisors' offices cannot be available outside early voting hours.¹⁴
- Requires drop box site to indicate how voters can check to make sure their votes were counted.¹⁵

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹⁶

⁷ *Id.*

⁸ H.R. 1, Title I, Subtitle H.

⁹ Fla. Stat. § 101.657(1)(d).

¹⁰ *Id.*

¹¹ *Id.*

¹² Fla. Stat. § 101.67(2).

¹³ H.R. 1, Title I, Subtitle N, Part 1.

¹⁴ Fla. Stat. § 101.69.

¹⁵ *Id.*

¹⁶ H.R. 1, Title I, Subtitle N, Part 1.



- Requires Florida to take steps to ensure that voters wait no more than 30 minutes to vote.¹⁷ Florida has experienced widely varying wait times, including reports of hours-long waits during 2020 early voting.¹⁸
- Requires that voters who are already registered be able to provide a sworn written statement on a state form to confirm their identity and eligibility to vote in the election.¹⁹ Florida law requires registered voters to vote a provisional ballot if they cannot present an acceptable form of identification.²⁰

Creating an Alternative to “Voter ID” Laws

- Permits registered voters to vote in person without presenting an ID card if they provide a sworn written statement on a state form, confirming their identity and eligibility to vote in the election.²¹ Florida law requires registered voters to vote a provisional ballot if they cannot present an acceptable form of identification which is counted only if the registrar subsequently confirms the voter’s identity.²²
- Prohibits states from requiring voters to submit any form of identification in order to receive an absentee ballot, other than a signature or similar affirmation.²³ Florida law requires voters to provide the last four digits of a Social Security number, Florida driver’s license, or Florida ID card to obtain a vote-by-mail ballot.²⁴

Restoring Civil Rights

- Requires Florida to restore voting rights to people with felony convictions once they are released from prison, and to offer voter registration materials upon eligibility.²⁵ Currently, Floridians with felony convictions can vote only after they have completed their

¹⁷ *Id.*

¹⁸ See, e.g., Aaron Leibowitz and David Smiley, “Florida Voters Get Up Before Dawn—and Wait—To Vote Early,” *Miami Herald*, October 20, 2020, available at <https://www.miamiherald.com/news/politics-government/article246505920.html>.

¹⁹ H.R. 1, Title I, Subtitle N, Part 1.

²⁰ Fla. Stat. §§ 101.043(2), 101.62(1)(b).

²¹ H.R. 1, Title I, Subtitle N, Part 1.

²² Fla. Stat. § 101.043(2).

²³ H.R. 1, Title I, Subtitle I.

²⁴ Fla. Stat. § 101.62(1)(b).

²⁵ H.R. 1, Title I, Subtitle E.

probation and/or parole and paid any restitution, fines, court costs, or fees imposed.²⁶
H.R. 1/S. 1 could re-enfranchise more than 750,000 Floridians.²⁷

Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²⁸
- Prohibits the U.S. Postal Service from making operational changes that would slow the delivery of voting materials in the 120-day period before an election.²⁹
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.³⁰
- Prohibits challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Requires challenges to voter qualifications to be under oath, based on personal knowledge, and filed more than 10 days before Election Day.³¹ Currently, while Florida requires such challenges to be under oath, it does not expressly require personal knowledge and permits challenges on Election Day.³²
- Allows voters to check for errors and requires a paper ballot count for recounts.³³
- Prevents Florida from rolling back voter protections already in state law, including:
 - Pre-registration of 16- and 17-year-olds to vote immediately upon turning 18.³⁴
 - Online voter registration.³⁵
 - Notice of polling-place relocation at least seven days before Election Day.³⁶
- Permits the security of drop boxes through remote or electronic surveillance.³⁷ Current Florida law requires in-person monitoring of drop boxes by a supervisor of elections

²⁶ Advisory Op. to Gov. Re: Implementation of Amendment 4, 288 So. 3d 1070, 1072, 1084 (Fla. 2020).

²⁷ Gary Fineout, "Final tally, group says 67,000 felons registered in Florida after Amendment 4," *Politico*, October 19, 2020, available at <https://www.politico.com/states/florida/story/2020/10/19/final-tally-group-says-67-000-felons-registered-in-florida-after-amendment-4-1327176>.

²⁸ Amendment 5 to H.R.1, Part B.

²⁹ H.R. 1, Title I, Subtitle I.

³⁰ Amendment 27 to H.R.1, Part B.

³¹ *Id.*

³² Fla. Stat. § 101.111.

³³ H.R. 1, Title I, Subtitle F.

³⁴ H.R. 1, Title I, Subtitle A, Part 10; Fla. Stat. § 97.041(1)(b)

³⁵ H.R. 1, Title I, Subtitle A, Part 1; Fla. Stat. § 97.0525.

³⁶ H.R. 1, Title I, Subtitle N, Part 1; Fla. Stat. § 101.71(2).

³⁷ Amendment 9 to H.R.1, Part B.



employee, with \$25,000 fines against a supervisors for any violation of this requirement.³⁸

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature crafts congressional districts in Florida, subject to state constitutional prohibitions on partisan gerrymandering.³⁹ There is no public input requirement. There has been concern, however, that the newly conservative state supreme court would not enforce those limitations as vigorously as in the last redistricting cycle. H.R.1/S.1. would do the following:
 - Requires Florida to set up an independent commission to draw federal congressional districts, which must take public input and operate in an open, transparent process.⁴⁰
 - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.⁴¹
 - Requires consideration of “communities of interest” when drawing congressional districts.⁴²
 - Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).⁴³
 - Counts incarcerated Floridians as residents of their home community for purposes of representation, ending Florida’s prison gerrymanders.⁴⁴

³⁸ Fla. Stat. § 101.69.

³⁹ Fla. Const. art. III, § 20.

⁴⁰ H.R. 1, Title III, Subtitle E.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

Georgia

If enacted in its current form, the For the People Act (H.R.1/S.1) would make several changes to federal elections in Georgia which would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R. 1—including those relating to universal mail-in voting and early voting—already exist in some form in Georgia, although there are pending legislative proposals in the state that would alter current practice. Other requirements, such as those relating to voter registration and partisan gerrymandering, would more fundamentally change Georgia’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Georgia:

Expanding & Protecting Voter Registration Opportunities

- Provides for Automatic Voter Registration by triggering such registration when a citizen over the age of 16 interacts with designated state or federal agencies, including the Department of Motor Vehicles, educational institutions, and the Social Security Administration, unless the citizen affirmatively declines to register.⁴⁵ Georgia law provides that an application for a driver's license or a fishing, hunting or trapping license by an applicant at least 17 and a half years old triggers an application for voter registration.⁴⁶ Georgia law also requires state offices administering public assistance programs or providing services to the disabled to offer voting registration applications to people seeking such assistance and to offer help in filling out such applications.⁴⁷
- Requires same-day voter registration.⁴⁸ Georgia law currently requires registration by the fifth Monday preceding the election.⁴⁹
- Provides for pre-registration of 16- and 17-year-olds.⁵⁰ Georgia law permits registration of voters who are at least 17 and a half years old.⁵¹ In both cases, the registrant must be 18 years old in order to cast a ballot.
- Prohibits states from removing a voter from the voting rolls without documentation that a voter is not a Georgia resident and creates strict standards to prevent removal of eligible voters from the voting rolls based on cross-checks of databases.⁵²

Mandating Secure, Accessible Early Voting & Absentee Voting

- Gives voters the option of early in person voting for a full 15 days before a federal election, including opportunities before and after business hours, on weekends, and on the day before Election Day.⁵³ Georgia currently provides for early voting beginning 22 days before the election and requires polling places to be open during business hours on weekdays and on at least one Saturday.⁵⁴ Counties are permitted but not required to offer early voting on Sundays, and to extend the hours during which polling places are

⁴⁵ H.R. 1, Title I, Subtitle A.

⁴⁶ O.C.G.A. § 21-2-221.

⁴⁷ O.C.G.A. § 21-2-222. The statute imposes the same requirement on recruitment offices for the armed services.

⁴⁸ H.R. 1, Title I, Subtitle A.

⁴⁹ O.C.G.A. § 21-2-224.

⁵⁰ H.R. 1, Title I, Subtitle A.

⁵¹ O.C.G.A. § 21-2-221.1.; O.C.G.A. § 21-2-216.

⁵² H.R. 1, Title I, Subtitle A.

⁵³ H.R. 1, Title I, Subtitle H.

⁵⁴ O.C.G.A. § 21-2-385.



open for early voting.⁵⁵ In 2020, some counties offered expanded early voting on weekends, including on Sundays, but others did not.

- Requires election officials to transmit mail-in ballot applications to all registered voters at least 60 days before Election Day.⁵⁶ Current Georgia law makes it illegal for an election official to send a mail-in ballot application to anyone who has not already requested it.⁵⁷
- Prohibits states from requiring voters to submit any form of identification in order to receive an absentee ballot other than a signature or similar affirmation.⁵⁸ Georgia's new law demands that vote-by-mail applicants provide the number of his or her Georgia driver's license or identification card or if they do not have one a copy of alternate identification.⁵⁹
- Deems ballots postmarked by Election Day valid and require that they must be counted if delivered up to ten days after the election.⁶⁰ Under current Georgia law, absentee ballots must be received by 7:00 p.m. on Election Day except for ballots cast by members of the armed forces, which are counted if received up to 3 days after Election Day.⁶¹
- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.⁶² In 2020, Georgia authorized but did not require counties to establish drop boxes up to 49 days before an election.⁶³ In 2020, some counties provided drop boxes outside and available 24-hours a day while other counties did not use drop boxes. The new Georgia law would limit the number of drop boxes a county could use, require that they be placed inside voting facilities and only available during the hours when the facility is open.⁶⁴
- Mandates drop boxes also have clearly posted information to help voters track ballots and make sure their vote is counted.⁶⁵

Protecting & Expanding Ballot Access

⁵⁵ *Id.*

⁵⁶ H.R. 1, Title I, Subtitle I.

⁵⁷ O.C.G.A. § 21-2-381.

⁵⁸ H.R. 1, Title I, Subtitle I.

⁵⁹ O.C.G.A. § 21-2-381.

⁶⁰ O.C.G.A. § 21-2-385.

⁶¹ O.C.G.A. § 21-2-386; Ga. State Election Board Rule 183-1-14-.10.

⁶² H.R. 1, Title I, Subtitle N, Part 1.

⁶³ Ga. State Election Board Rule 183-1-14.

⁶⁴ O.C.G.A. § 21-2-382.

⁶⁵ *Id.*



- Makes Election Day a federal holiday.⁶⁶
- Requires states take steps to ensure that voters do not wait more than 30 minutes to vote.⁶⁷ Current Georgia law addresses wait times only for voters who are over 75 or disabled.⁶⁸
- Precludes challenges to a voter’s eligibility based on race, ethnicity, or age by non-election officials. Prohibits challenges on Election Day other than by an election official and requires a challenger to submit an affidavit of good cause based on personal knowledge.⁶⁹ Current Georgia law does not require challenges to be sworn or based on personal knowledge and allows an unlimited number of electors to be challenged at any time.⁷⁰

Creating an Alternative to “Voter ID” Laws

- Permits registered voters to vote without presenting an ID card if they provide a sworn written statement on a state form, confirming their identity and eligibility to vote in the election.⁷¹ Under current Georgia law, voters are required to present a compliant photo ID in order to cast an in-person ballot.⁷² Voters unable to present a valid ID must cast a provisional ballot, which is counted only if the registrar subsequently confirms the voter’s identification.
- Prohibits states from requiring voters to submit a photo ID in order to receive an absentee ballot.⁷³ Current Georgia law requires a voter casting an absentee ballot to submit a photo ID if the voter is voting for the first time and did not submit a photo ID when he registered.⁷⁴

Restoring Civil Rights

⁶⁶ Title I, Subtitle N, Part 1.

⁶⁷ H.R. 1, Title I, Subtitle N.

⁶⁸ O.C.G.A. § 21-2-409.1.

⁶⁹ H.R. 1, Title I, Subtitle C.

⁷⁰ O.C.G.A. § 21-2-230.

⁷¹ H.R. 1, Title I, Subtitle N, Part 1.

⁷² O.C.G.A. § 21-2-417.

⁷³ H.R. 1, Title I, Subtitle I.

⁷⁴ O.C.G.A. § 21-2-385.



- Requires Georgia to restore voting rights to people with felony convictions once they are released from prison, and to offer voter registration materials upon eligibility.⁷⁵ Currently, Georgians with felony convictions for offenses involving moral turpitude can vote only after they have completed their sentences.⁷⁶

Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.⁷⁷
- Prohibits the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120-day period before an election.⁷⁸
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.⁷⁹
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.⁸⁰
- Permits the security of drop boxes through remote or electronic surveillance.⁸¹

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Current Georgia law permits the state legislature to establish congressional districts without public input and for partisan advantage. H.R. 1/S.1 would do the following:
 - Requires Georgia to set up an independent commission to draw federal congressional districts no later than November 15, 2021 after receiving public input.
 - Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts.⁸²
 - Require consideration of “communities of interest” when drawing districts.⁸³

⁷⁵ H.R. 1, Title I, Subtitle E.

⁷⁶ O.C.G.A. § 21-2-216.

⁷⁷ Amendment 5 to H.R.1, Part B.

⁷⁸ Amendment 26 to H.R.1, Part B.

⁷⁹ Amendment 27 to H.R.1, Part B.

⁸⁰ H.R. 1, Title I, Subtitle F.

⁸¹ Amendment 9 to H.R.1, Part B.

⁸² *Id.*

⁸³ *Id.*



- Counts incarcerated Georgians as residents of their home community for purposes of representation, ending Georgia’s prison gerrymanders.⁸⁴

⁸⁴ Id.

Kentucky

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Kentucky that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. The requirements of H.R.1/S.1—including those relating to universal mail-in voting, early voting, automatic voter registration, and gerrymandering—would fundamentally change Kentucky’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Kentucky:

Expanding & Protecting Voter Registration Opportunities

- Requires Kentucky to automatically register voters when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration, so long as the resident does not opt out. Establishes a grant program to fund this new requirement.⁸⁵ Kentucky does not currently use automatic voter registration.
- Permits voters to register to vote at a polling place and vote on the same day. Applies to Election Day and early voting.⁸⁶ Kentucky does not offer same day voter registration. Rather, in Kentucky, voter registration must occur 29 days prior to Election Day.⁸⁷
- Provides for pre-registration of 16- and 17-year-olds.⁸⁸ In Kentucky, pre-registration is only allowed if the voter will be 18 by the next general election.⁸⁹
- Requires election officials to complete cross-check purges of registration lists at least six months prior to a given election and prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information.⁹⁰

⁸⁵ H.R. 1, Title I, Subtitle A, Part 2.

⁸⁶ H.R. 1, Title I, Subtitle A, Part 3.

⁸⁷ Ky. Rev. Stat. § 116.045(2).

⁸⁸ H.R. 1, Title I, Subtitle A, Part 10.

⁸⁹ Ky. Rev. Stat. § 116.045(1).

⁹⁰ H.R. 1, Title II, Subtitle F; Title I, Subtitle C.

Kentucky law currently requires that purges take place no later than 90 days prior to a primary or general election.⁹¹

Mandating Secure, Accessible Early Voting & Absentee Voting

- Gives voters the option of voting early and in person for a full 15 days before a federal election, including weekends, for at least 10 hours a day (including early morning and evening hours).⁹² Kentucky has not allowed in person early voting without a valid excuse but recently adopted a law permitting three days of no-excuse early voting on the Thursday, Friday, and Saturday immediately preceding an election.⁹³
- Requires states to allow any eligible voter to vote by mail in federal elections (no-excuse absentee voting).⁹⁴ Kentucky does not offer no-excuse absentee voting.
- Requires prepaid return envelopes for mail-in ballots and ballot applications.⁹⁵ Kentucky law does not offer direction on payment of postage for ballots, but postage was paid by the state in 2020 pursuant to executive order.⁹⁶
- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on the number of registered voters in the county.⁹⁷ A newly enacted Kentucky law would require at least one drop box per county be available but does not specify the amount of time before the election for which they must be available.⁹⁸
- Requires states permit voters to designate someone else to return their completed ballot, so long as that individual is not being compensated.⁹⁹ A recently enacted Kentucky law will limit third-party return of ballots to voters' friends, relatives, housemates, and caregivers.¹⁰⁰

⁹¹ Ky. Rev. Stat. § 116.112.

⁹² H.R. 1, Title I, Subtitle H.

⁹³ Ky. Rev. Stat. § 117.085; Ky. HB 574, § 11.

⁹⁴ H.R. 1, Title I, Subtitle I.

⁹⁵ H.R. 1, Title I, Subtitle I.

⁹⁶ 31 Ky. Admin. Reg. 4:192E, § 6; *see also* "Kentucky Voters to Get Free Postage for Absentee Ballots," *Associated Press*, May 1, 2020, available at <https://apnews.com/article/4140181bf993889f130ebb2116ccb3d0>.

⁹⁷ H.R. 1, Title I, Subtitle N, Part 1.

⁹⁸ Ky. HB 574, § 12.

⁹⁹ H.R. 1, Title I, Subtitle I.

¹⁰⁰ Ky. HB 574, § 6.

- Deems ballots postmarked by Election Day valid, and they must be counted, if delivered to election officials within 10 days of the election.¹⁰¹ Current Kentucky law requires ballots be received by Election Day in order to be counted.¹⁰²
- Requires states to establish tracking programs for mail-in ballots and provide information on whether an individual's vote was counted.¹⁰³ In Kentucky, absentee ballot tracking was available to all voters in the 2020 election that provided certain identifying information, and a newly enacted law will extend ballot tracking to future elections.¹⁰⁴

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹⁰⁵
- Mandates any changes to polling place locations be announced seven days before Election Day.¹⁰⁶ Kentucky currently has no minimum notice requirement.
- Requires states take steps to ensure that voters do not wait more than 30 minutes to vote.¹⁰⁷ Kentucky has experienced widely varying wait times, including reports of hours-long waits during the 2020 elections.¹⁰⁸
- Precludes challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Prohibits challenges on Election Day other than by an election official and requires a challenger to submit an affidavit of good cause based on personal knowledge.¹⁰⁹ Currently, in Kentucky, candidates and political parties may appoint challengers at each precinct during an election. If a challenger raises a challenge to a

¹⁰¹ *Id.*

¹⁰² Ky. Rev. Stat. § 117.086(1); Ky. Rev. Stat. § 118.035.

¹⁰³ H.R. 1, Title I, Subtitle I.

¹⁰⁴ Ky. HB 574, § 19; see also *Absentee Ballot Status Inquiry*, Kentucky State Board of Elections, <https://vrsws.sos.ky.gov/ABD2Web>.

¹⁰⁵ Title I, Subtitle N, Part 1.

¹⁰⁶ *Id.*

¹⁰⁷ H.R. 1, Title I, Subtitle N, Part 1.

¹⁰⁸ See e.g., Daniel Desrochers and Jack Brammer, "Lexington Voters Endured Waits of More Than an Hour at Kroger Field on Election Day," *Lexington Herald-Leader*, June 23, 2020, available at <https://www.kentucky.com/news/politics-government/article243731882.html>; see also Jeremy Chisenhall and Morgan Eads, "Lexington Voters Wait Hours After Polls Close; KY Complaints Increase," *Lexington Herald-Leader*, Nov. 3, 2020, available at <https://www.kentucky.com/news/politicsgovernment/election/article246897447.html>.

¹⁰⁹ H.R. 1, Title I, Subtitle C.

person's right to vote, the voter may be required to sign an oath affirming that he or she is qualified to vote.¹¹⁰

Creating Alternatives to “Voter ID” Law

- Enables voters who lack identification to vote if they provide a written sworn statement attesting to their identity.¹¹¹ Currently, Kentucky voters are required to provide photo ID issued by one of an enumerated list of acceptable entities, or affirm under penalty of perjury that they are eligible to vote but have one of eight statutorily enumerated “impediments” to procuring the requisite form of identification and present an alternate form of identification meeting the requirements of another statutorily enumerated list.¹¹²
- Mandates that identification is not required to request an absentee ballot for registered voters, who may provide a signature instead.¹¹³ In Kentucky, voters requesting an absentee ballot must provide the same proof of identification or an affirmation as required for in-person voting.¹¹⁴

Restoring Civil Rights

- Requires Kentucky to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.¹¹⁵ Currently, Kentucky citizens with felony convictions can only vote after they have completed probation or parole and undertaken an administrative process to restore their civil rights, had their civil rights restored by executive pardon, or obtained entry of an order vacating and expunging their conviction and paying an expungement fee of \$250.¹¹⁶

Strengthening Election Security & Trust in Elections

¹¹⁰ Ky. Rev. Stat. § 117.315; Ky. Rev. Stat. § 117.316.

¹¹¹ H.R. 1, Title I, Subtitle N, Part 1.

¹¹² Ky. Rev. Stat. § 117.227; Ky. Rev. Stat. § 117.375; Ky. Rev. Stat. § 117.228.

¹¹³ H.R. 1, Title I, Subtitle I.

¹¹⁴ Ky. Rev. Stat. § 117.085.

¹¹⁵ H.R. 1, Title I, Subtitle E.

¹¹⁶ Ky. Const. § 145; Ky. Rev. Stat. § 196.045; Ky. Rev. Stat. § 116.025; Ky. Rev. Stat. § 431.073.



- Requires states to begin processing mail-in ballots at least 14 days prior to an election.¹¹⁷ Under current Kentucky law, processing cannot begin until 8 a.m. on Election Day.¹¹⁸ Kentucky recently amended its laws to permit the processing of mail-in ballots at least 14 days prior to an election, but does not require it.¹¹⁹
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.¹²⁰
- Prohibits the U.S. Postal Service from making operational changes that would slow the delivery of voting materials in the 120-day period before an election.¹²¹
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.¹²²
- Permits the security of drop boxes through remote or electronic surveillance.¹²³
- Allows voters the opportunity to correct any errors on a paper ballot before it is cast and gives voters the option to mark their ballots by hand.¹²⁴
- Preserves paper ballots for recounts or audits.¹²⁵ Kentucky does not currently offer any statewide cure process for problems with absentee ballots, but recently amended its election laws to provide for a process to cure certain absentee ballot defects.¹²⁶

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature draws congressional districts in Kentucky. There is no public input requirement in Kentucky.¹²⁷ H.R.1/S.1 would do the following:

¹¹⁷ H.R. 1, Title I, Subtitle I.

¹¹⁸ Ky. Rev. Stat. § 117.087.

¹¹⁹ Ky. HB 574, § 14.

¹²⁰ Amendment 5 to H.R.1, Part B.

¹²¹ H.R. 1, Title I, Subtitle I.

¹²² Amendment 27 to H.R.1, Part B.

¹²³ Amendment 9 to H.R.1, Part B.

¹²⁴ H.R. 1, Title I, Subtitle F.

¹²⁵ *Id.*

¹²⁶ Ky. HB 574, § 14.

¹²⁷ See *e.g.*, Steve Rogers, “Kentucky LWV Urges Open Redistricting Process, Public Input,” *WTVQ*, Feb. 16, 2021, available at <https://www.wtvq.com/2021/02/16/kentucky-lwv-urges-open-redistricting-process-public-input/>.



- Requires states to set up an independent commission to draw federal congressional districts, which must take public input and operate an open, transparent process.¹²⁸
- Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.¹²⁹
- Requires consideration of “communities of interest” when drawing congressional districts.¹³⁰
- Counts incarcerated citizens as residents of their home community for purposes of representation, ending Kentucky’s prison gerrymanders (*i.e.*, inclusion of prisons in local districting plans).¹³¹
- Authorizes a federal court to draw the maps if not finalized by December 15, 2021.¹³² Note that this does not impact the process for state legislative or local redistricting.¹³³

Maine

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Maine that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Many of the requirements of H.R.1/S.1—including those relating to automatic voter registration, no-excuse absentee voting, early voting, re-enfranchising people with criminal records and ranked-choice voting—already exist in some form in Maine. Other requirements, such as those relating to online voter registration, would more substantially alter Maine’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Maine:

Expanding & Protecting Voter Registration Opportunities

¹²⁸ H.R. 1, Title III, Subtitle E.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ H.R. 1, Title III, Subtitle E, Part 4.

- Requires Maine to automatically register voters when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration so long as the resident does not affirmatively decline.¹³⁴ Maine has implemented automatic voter registration effective as of January 1, 2022.¹³⁵
- Allows same-day registration on Election Day. Maine has allowed same day, in person registration up to the close of polls on Election Day since 1973.¹³⁶
- Requires states to offer online voter registration.¹³⁷ Maine currently does not offer online voter registration.
- Requires election officials to complete cross-check purges of registration lists at least six months prior to a given election and prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information.¹³⁸ Maine used data from a database called the Interstate Voter Crosscheck Program to purge voters until it was suspended nationally because of litigation brought in Kansas.¹³⁹

Mandating Secure, Accessible Early Voting & Absentee Voting

- Prevents Maine from rolling back voter protections already in state law, including its current law allowing any eligible voter to vote by mail in federal elections (no-excuse absentee voting)¹⁴⁰ and not requiring voter ID to request an absentee ballot.¹⁴¹
- Gives voters the option of early in person voting for a full 15 days before a federal election, including weekends, for at least 10 hours a day (including early morning and

¹³⁴ H.R. 1, Title I, Subtitle A.

¹³⁵ Me. Stat. tit. 21-A, §§ 231-238.

¹³⁶ H.R.1, Title I, Subtitle A, Part 3; Me. Stat. tit. 21-A, §121-A, §122.

¹³⁷ H.R. 1, Title I, Subtitle A, Part 1.

¹³⁸ H.R. 1, Title II, Subtitle F; Title I, Subtitle C.

¹³⁹ See Johnathan Brater, Kevin Morris, Myrna Pérez and Christopher Deluzio, "Purges: A Growing Threat to the Right to Vote," *Brennan Center for Justice*, Jul. 20, 2018, available at <https://www.brennancenter.org/our-work/research-reports/purges-growing-threat-right-vote>; see also Roxana Hegeman, "Multistate Voter Database Suspended in Lawsuit Settlement," *Associated Press*, Dec. 10, 2019, available at <https://apnews.com/article/2c82eb782e578bbb81c121ec453fbee8>; see also "List Maintenance or Voter Purges: How the Practice of Maintaining Voter Lists Became so Polarized," *Maine Beacon*, Oct. 8, 2020, available at <https://mainebeacon.com/list-maintenance-or-voter-purges-how-the-practice-of-maintaining-voter-lists-became-so-polarized/>.

¹⁴⁰ H.R. 1, Title I, Subtitle I; Me. Stat. tit. 21-A, § 751.

¹⁴¹ H.R. 1, Title I, Subtitle I; Me. Stat. tit. 21-A, § 753-A(3)(A); Me. Stat. tit. 21-A, § 754-A.



evening hours).¹⁴² In Maine, in-person absentee voting may begin 45 days before Election Day.¹⁴³ However, Maine does not require early voting to be available on weekends.¹⁴⁴

- Requires prepaid return envelopes for mail-in ballots and ballot applications.¹⁴⁵ Maine law does not offer direction on payment of postage for ballots, and the lack of postage on return envelopes caused voter confusion in the 2020 election.¹⁴⁶
- Deems ballots postmarked by Election Day valid, and they must be counted, if delivered to election officials within 10 days of the election.¹⁴⁷ Current Maine law requires ballots to be received by 8:00 p.m. on Election Day in order to be counted.¹⁴⁸
- Requires states permit voters to designate someone else to return their completed ballot, so long as that individual is not being compensated.¹⁴⁹ In Maine, a third party must submit a ballot within two business days of receipt from the voter or by the close of polls on Election Day, whichever is earlier. Additionally, if the third party returning the ballot is not an immediate family member, the ballot must be signed in the presence of a notary, a clerk of a municipality or court, or two witnesses.¹⁵⁰
- Requires states to establish tracking programs for mail ballots and provide information on whether an individual's vote was counted.¹⁵¹ In Maine, vote tracking is available to all voters that provide certain identifying information (i.e., name, date of birth and city of residence) but is not required by statute.¹⁵²

Protecting & Expanding Ballot Access

¹⁴² H.R. 1, Title I, Subtitle H.

¹⁴³ Me. Stat. tit. 21-A, § 753-B(8).

¹⁴⁴ Id.

¹⁴⁵ H.R. 1, Title I, Subtitle I.

¹⁴⁶ See Edward D. Murphy, "Maine Voters Get Mixed Messages on Mail-in Ballot Postage," *The Portland Press Herald*, Jul. 8, 2020, available at <https://www.pressherald.com/2020/07/08/maine-mail-in-ballots-create-postage-quandary>.

¹⁴⁷ H.R. 1, Title I, Subtitle I.

¹⁴⁸ Me. Stat. tit. 21-A, § 755.

¹⁴⁹ H.R. 1, Title I, Subtitle I.

¹⁵⁰ Me. Stat. tit. 21-A, § 753-B(3), Me. Stat. tit. 21-A, § 754-A(2).

¹⁵¹ H.R. 1, Title I, Subtitle I.

¹⁵² *Secretary Dunlap Launches Absentee Ballot Tracking Service*, Department of the Secretary of State, <https://www.maine.gov/sos/news/2020/absenteeballotservice.html>.



- Makes Election Day a federal holiday.¹⁵³
- Requires states to take steps to ensure that voters wait no more than 30 minutes to vote.¹⁵⁴ Maine has experienced widely varying wait times, including reports of hour long waits during 2020 early voting.¹⁵⁵
- Requires that changes to polling place locations be announced seven days before Election Day.¹⁵⁶ In Maine, unless in the case of an emergency, municipal officers that wish to change the location of a polling place must apply to the Secretary of State at least 60 days before the next election.¹⁵⁷
- Precludes challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Prohibits challenges on Election Day other than by an election official, and requires a challenger to submit an affidavit of good cause based on personal knowledge.¹⁵⁸ Currently, in Maine, a voter has the right to challenge the right of another to vote at an election in that municipality.¹⁵⁹ However, individuals must be allowed to vote pending later resolution of the challenge.¹⁶⁰

Protecting Civil Rights

- Requires Maine to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.¹⁶¹ Currently, Maine not only allows citizens with past felony convictions to vote but also allows individuals who are currently incarcerated to vote while in prison.¹⁶²

Strengthening Election Security & Trust in Elections

¹⁵³ H.R. 1, Title I, Subtitle N, Part 1.

¹⁵⁴ H.R. 1, Title I, Subtitle N, Part 1.

¹⁵⁵ See e.g., Fred Bever, "Heavy In-Person Turnout In Maine On Election Day, On Top of Record of Early Voting," *Maine Public*, Nov. 3, 2020, available at <https://www.mainepublic.org/politics/2020-11-03/heavy-in-person-turnout-in-maine-on-election-day-on-top-of-record-early-voting>.

¹⁵⁶ *Id.*

¹⁵⁷ Me. Stat. tit. 21-A, § 631.

¹⁵⁸ H.R. 1, Title I, Subtitle C.

¹⁵⁹ Me. Stat. tit. 21-A, § 673.

¹⁶⁰ Me. Stat. tit. 21-A, §§ 121, 161 and 673.

¹⁶¹ H.R. 1, Title I, Subtitle E.

¹⁶² Me. Stat. tit. 21-A, § 111.



- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.¹⁶³
- Prohibits the U.S. Postal Service from implementing any operational changes that would restrict the prompt and reliable delivery of voting materials within 120 days of a federal election.¹⁶⁴
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.¹⁶⁵
- Permits the security of drop boxes through remote or electronic surveillance.¹⁶⁶
- Allows voters the opportunity to correct any errors on a paper ballot before it is cast and gives voters the option to mark their ballots by hand.¹⁶⁷ Under current Maine law, a voter may obtain a replacement ballot, not more than twice, by returning the spoiled ballot to the election clerk in charge of issuing ballots.¹⁶⁸

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature draws congressional districts in Maine. An advisory commission is involved in the process. Additionally, two-thirds of the state legislature is required to approve new district maps, subject to a veto by the governor.¹⁶⁹
- H.R.1/S.1
 - Requires Maine to set up an independent commission to draw federal congressional districts no later than November 15, 2021 after receiving public input.¹⁷⁰
 - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.¹⁷¹
 - Requires consideration of “communities of interest” when drawing congressional districts.¹⁷²

¹⁶³ Amendment 5 to H.R.1, Part B.

¹⁶⁴ Amendment 26 to H.R.1, Part B.

¹⁶⁵ Amendment 27 to H.R.1, Part B.

¹⁶⁶ Amendment 9 to H.R.1, Part B.

¹⁶⁷ H.R. 1, Title I, Subtitle F.

¹⁶⁸ Me. Stat. tit. 21-A, § 693.

¹⁶⁹ Me. Const. art. IV, pt. 1, §§ 2-3.

¹⁷⁰ H.R. 1, Title III, Subtitle E.

¹⁷¹ H.R. 1, Title III, Subtitle E.

¹⁷² *Id.*

- Authorizes a federal court to draw the maps if not finalized by December 15, 2021.¹⁷³ Note that this does not impact the process for state legislative or local redistricting.¹⁷⁴
- Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).¹⁷⁵

Impact of H.R.1/S.1 on Maine's Ranked-Choice Voting

- Requires the Comptroller General to conduct a study on the implementation and impact of ranked-choice voting in states with a focus on how to implement a model for federal elections nationwide.¹⁷⁶
- Requires the Comptroller General to transmit to Congress a report on the study of ranked-choice voting that should include any recommendations on how to best implement ranked-choice voting for Federal elections.¹⁷⁷
- Provides that, to the greatest extent practicable, a state that receives a grant to replace a voting system shall ensure that the replacement system incorporates ranked-choice voting.¹⁷⁸
- On November 8, 2016, Maine voted to adopt ranked-choice voting for statewide elections for governor, state legislature and Congress.¹⁷⁹ Because of state court interpretations of Maine's constitution, ranked-choice voting has only been applied to primary elections held under state law, with general elections requiring plurality voting absent a state constitutional amendment.¹⁸⁰ Ranked-choice voting was first used in

¹⁷³ *Id.*

¹⁷⁴ H.R. 1, Title III, Subtitle E, Part 4.

¹⁷⁵ H.R. 1, Title III, Subtitle E.

¹⁷⁶ H.R. 1, Title I, Subtitle N, Part 1.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ Me. Stat. tit. 21-A, § 601(2)(J); Me. Stat. tit. 21-A, §722(1); Me. Stat. tit. 21-A, §723-A.

¹⁸⁰ *See Senate v. Sec'y of State*, 183 A.3d 749 (Me. 2018); *see also Opinion of the Justices*, 162 A.3d 188 (Me. 2017); *see also* Katharine Q. Seelye, "Ranked-Choice Voting System Violates Maine's Constitution, Court Says," N.Y. Times, May 23, 2017, available at <https://www.nytimes.com/2017/05/23/us/maine-ranked-choice-elections-voting.html>.

Maine congressional races in 2018, where it survived court challenges.¹⁸¹ Maine extended ranked-choice voting to the presidential election in 2020.¹⁸² Accordingly, the provisions in H.R.1/S.1 regarding ranked-choice voting will have no impact on Maine’s federal elections.

¹⁸¹ See *Baber v. Dunlap*, 376 F. Supp. 3d 125 (D. Me. 2018); see also Steve Mistler, “Results of Nation’s First Statewide Ranked-Choice Voting Election: Mills and Golden Win Nominations,” *Maine Public Radio*, June 20, 2018, available at <https://www.mainepublic.org/politics/2018-06-20/results-of-nations-first-statewide-ranked-choice-voting-election-mills-and-golden-win-nominations>; see also Michael Shepherd, “Poliquin Announces He Is Giving up Legal Challenge to Ranked-Choice Voting,” *Bangor Daily News*, Dec. 24, 2018, available at <https://bangordailynews.com/2018/12/24/news/poliquin-announces-that-he-is-giving-up-legal-challenge-to-ranked-choice-voting/>.

¹⁸² David Sharp, “Ranked Choice Voting in Maine a Go for Presidential Election,” *Associated Press*, Sept. 22, 2020, available at <https://apnews.com/article/election-2020-referendums-elections-maine-courts-b5ddd0854037e9687e952cd79e1526df>.



Michigan

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Michigan that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Many of the requirements of H.R.1/S.1—including those relating to voter registration, voting by mail, re-enfranchising persons with criminal records, and access for voters with disabilities—already exist in some form in Michigan. Other requirements, such as those relating to early voting, would more fundamentally change Michigan’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Michigan:

Expanding & Protecting Voter Registration Opportunities

- Mandates new minimum age for voter pre-registration from 17 years and six months to 16 years old.¹⁸³ Currently law in Michigan requires voters be at least 18 years old on the day of the next election to register.¹⁸⁴
- Requires universities to serve as voter registration agencies and to appoint “Campus Vote Coordinators” responsible for disseminating voter registration information.¹⁸⁵
- Prohibits challenges to a voter’s eligibility based on race, ethnicity, or age by non-election officials. Imposes significant limitations on the ability to challenge a voter’s registration or eligibility, including by prohibiting challenges on Election Day other than by an election official, and requiring a challenger to submit an affidavit of good cause

¹⁸³ H.R. 1, Title I, Subtitle A, Part 10.

¹⁸⁴ “Who can register to vote in Michigan?,” *The Office of Secretary of State Jocelyn Benson*, accessed March 22, 2021, available at https://www.michigan.gov/sos/0,4670,7-127-5647_12539_29836-88638--,00.html.

¹⁸⁵ H.R. 1, Title I, Subtitle N, Part 1.

based on personal knowledge. Current law does not require personal knowledge nor an affidavit.¹⁸⁶

Mandating Secure, Accessible Early Voting & Absentee Voting

- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.¹⁸⁷ In 2020, each election district determined whether drop boxes were used in Michigan. Many communities had none.
- Requires Michigan to make early in-person voting available for 15 days before Election Day, including on weekends,¹⁸⁸ but the current scheme requires only that clerks accept absent voter ballots on a single day prior to Election Day.¹⁸⁹ Michigan currently allows in-person requests for and submission of absentee voter ballots before Election Day.¹⁹⁰
- Requires Michigan to count absent voter ballots received up to ten days after Election Day if postmarked on or before Election Day, as opposed to current law, which prohibits counting absent voter ballots received after Election Day.¹⁹¹

Protecting & Expanding Ballot Access

- Requires Michigan to take steps to ensure that voters wait no more than 30 minutes to vote.¹⁹² While the statewide average wait time in Michigan has traditionally been below 20 minutes, in some neighborhoods voters waited in hours-long lines during the 2020 primary and general elections.¹⁹³

¹⁸⁶ H.R. 1, Title I, Subtitle C.

¹⁸⁷ H.R. 1, Title I, Subtitle N, Part 1.

¹⁸⁸ H.R. 1, Title I, Subtitle H.

¹⁸⁹ M.C.L.A. § 168.761b.

¹⁹⁰ M.C.L.A. § 168.761b.

¹⁹¹ H.R. 1, Title I, Subtitle I

¹⁹² H.R. 1, Title I, Subtitle N, Part 1.

¹⁹³ See, e.g.: Kayla Ruble et. al, "In pivotal Michigan, residents brave long lines and windy cold to cast early ballots," *The Washington Post*, November 2, 2020, available at:

https://www.washingtonpost.com/politics/michigan-early-voting/2020/11/02/ee529d2c-1d59-11eb-90dd-abd0f7086a91_story.html, and C. Stewart III and S. Ansolabehere, "Waiting in Line to Vote," *U.S. Election Assistance Commission*, July 28, 2013, available at:

<https://www.eac.gov/documents/2017/02/24/waiting-in-line-to-vote-white-paper-stewart-ansolabehere>.

Note: it is still to be determined if "polling place" applies to early voting locations as well.



- Allows voters to submit sworn affidavits to demonstrate eligibility to vote in lieu of government-issued identification, as opposed to current law, which requires those without acceptable identification to vote by provisional ballot.¹⁹⁴
- Requires voters to have notice and a meaningful opportunity to cure any signature discrepancies, whereas under current law, election officials are required to inform absent voters of any signature discrepancies within 48 hours of receipt of the ballot or before 8:00 p.m. on the day before the election, whichever is first.¹⁹⁵
- Restores civil rights to those serving misdemeanor sentences by limiting criminal conviction disenfranchisement to those currently serving felony sentences.¹⁹⁶

Strengthening Election Security & Trust in Elections

- Requires Michigan to begin pre-processing early voter ballots at least 14 days prior to the date of the election involved, as opposed to current law, which prohibits processing absent voter ballots before Election Day.¹⁹⁷
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.¹⁹⁸
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120-day period before an election.¹⁹⁹
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.²⁰⁰
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.²⁰¹
- Permits the security of drop boxes through remote or electronic surveillance.²⁰²

¹⁹⁴ H.R. 1, Title I, Subtitle G.

¹⁹⁵ H.R. 1, Title I, Subtitle I; M.C.L.A. § 168.761(2).

¹⁹⁶ H.R. 1, Title I, Subtitle E.

¹⁹⁷ H.R. 1, Title I, Subtitle I.

¹⁹⁸ Amendment 5 to H.R.1, Part B.

¹⁹⁹ Amendment 26 to H.R.1, Part B.

²⁰⁰ Amendment 27 to H.R.1, Part B.

²⁰¹ H.R. 1, Title I, Subtitle F.

²⁰² Amendment 9 to H.R.1, Part B.

Minnesota

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Minnesota that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R.1/S.1—including those relating to registration, and felon enfranchisement—already exist in some form in Minnesota. However, Minnesota is exempt from several provisions in H.R.1/S.1 because the state is exempt from the National Voter Registration Act of 1993.¹ Other requirements, such as those relating to early voting, would more fundamentally change Minnesota’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Minnesota:

Expanding & Protecting Voter Registration Opportunities

Permits voters to provide a written statement on a state form, confirming their identity and eligibility to vote in the election.² Currently, Minnesota law requires proof-of-residence for same-day registration and absentee voting.³

Mandating Secure, Accessible Early Voting & Absentee Voting

- Deems ballots postmarked by Election Day to be valid and requires that they be counted if they are delivered to election officials within ten days of the election.⁴ Currently, Minnesota law requires that mail-in ballots be received by 8 p.m. on Election Day.⁵

¹ “The National Voter Registration Act of 1993 (NVRA),” *U.S. Department of Justice*, March 11, 2020, <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

² H.R.1, §§ 1621, 1903.

³ Minn. Stat. §§ 201.061, subd. 3, 203B.04, subd. 4.

⁴ H.R.1, § 1621.

⁵ Minn. Stat. § 203B.08, subd. 3; *see also Carson v. Smith*, 978 F.3d 1051 (8th Cir. 2020) (holding that the election-day deadline superseded a consent decree that had extended the deadline).



- Requires secure drop boxes must be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.⁶ Currently, Minnesota law allows voters to drop off absentee ballots with county and town officials before Election Day but does not contain any of the specific duration and number requirements included in H.R.1/S.1.⁷
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their vote is counted.⁸
- Grants absent uniformed military officers and overseas Americans a private cause of action to enforce their rights under the Uniformed and Overseas Citizens Absentee Voting Act.⁹

Protecting & Expanding Ballot Access

- Requires Minnesota to take steps to ensure that voters wait no more than 30 minutes to vote.¹⁰
- Mandates any changes to polling place locations be communicated by phone, as well as by text message and email (if possible), in addition to Minnesota's current mail requirement.¹¹
- Requires Minnesota to restore civil rights to people with felony convictions upon release from prison and to inform these people of their voting rights in writing. Currently, Minnesotans with felony convictions can vote only after they have completed parole and supervised release.¹²

Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.¹³

⁶ H.R. 1, Title I, Subtitle N, Part 1.

⁷ Minn. Stat. § 203B.08, subd. 1; Minn. R. 8210.2100, 8210.2400.

⁸ *Id.*

⁹ H.R.1, § 1702.

¹⁰ H.R. 1, Title I, Subtitle N, Part 1.

¹¹ H.R.1, § 1902; Minn. Stat. § 204B.16, subd. 1a.

¹² H.R.1, §§ 1403, 1405; Minn. Stat. § 609.165, subd. 1-2; *Schroeder v. Simon*, 950 N.W.2d 70, 74 (Minn. Ct. App. 2020).

¹³ Amendment 5 to H.R.1, Part B.



- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120-day period before an election.¹⁴
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.¹⁵
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.¹⁶
- Permits the security of drop boxes through remote or electronic surveillance.¹⁷
-

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Under current Minnesota law, the legislature crafts congressional districts, subject to gubernatorial veto. It can do so for partisan advantage or to favor incumbents. H.R.1/S.1 would do the following:
 - Mandates that Minnesota conduct congressional redistricting by independent redistricting commission, rather than the Minnesota state legislature.¹⁸
 - Counts incarcerated Minnesotans as residents of their home community for purposes of representation, not their place of incarceration.¹⁹

Because Minnesota is exempt under the NVRA, it is not subject to the requirement that states implement automatic voter registration and pre-registration of 16- and 17-year-olds to vote immediately upon turning 18.²⁰

¹⁴ Amendment 26 to H.R.1, Part B.

¹⁵ Amendment 27 to H.R.1, Part B.

¹⁶ H.R. 1, Title I, Subtitle F.

¹⁷ Amendment 9 to H.R.1, Part B.

¹⁸ H.R.1, § 2401; Minn. Stat. § 2.91, subd. 1.

¹⁹ H.R.1, § 2701.

²⁰ H.R.1, §§ 1012, 1018.

Nevada

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Nevada that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R.1/S.1—including those relating to universal absentee voting and automatic voter registration—already exist in some form in Nevada. Other requirements, such as those relating to gerrymandering, would more fundamentally change Nevada’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Nevada:

Expanding & Protecting Voter Registration Opportunities

- Requires states to use Automatic Voter Registration (AVR) for federal elections,¹ which is consistent with Nevada’s current practice of using AVR.
- Allows 16- and 17-year-olds to pre-register to vote and then vote immediately upon turning 18.² Under current Nevada law, 17 year olds may pre-register to vote, but 16 year olds may not.
- Prohibits officials from using voter caging or unverified match lists to prevent any individual from registering or voting in a federal election.³ In the 2020 election, several lawsuits were brought challenging the eligibility of voters based on match lists, and the Republican Party of Nevada sent a criminal referral to the U.S. Department of Justice based on match lists.⁴
- Requires election officials to complete cross-check purges at least six months prior to a given election,⁵ in contrast to Nevada law which places no restrictions on when voter purges must be complete.

¹ H.R. 1, Title I, Subtitle A, Part 2.

² H.R. 1, Title I, Subtitle A, Part 10.

³ H.R. 1, Title II, Subtitle F.

⁴ See *Becker v. Cannizzaro* No. A-20-825130-W (Nev. Dist. Ct., Clark City.), *Law v. Whitmer*, No. 20 OC 00163 1B (Nev. Dist. Ct., Carson City), Celine Castronuovo, “Nevada Republican Party sends criminal referral to DOJ alleging thousands of cases of voter fraud,” *The Hill*, November 5, 2020, available at <https://thehill.com/homenews/campaign/524749-nevada-republican-party-sends-criminal-referral-to-doj-alleging-thousands>

⁵ H.R. 1, Title II, Subtitle F.

Mandating Secure, Accessible Early Voting & Absent Balloting

- Requires secure drop boxes must be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.⁶ In 2020, counties were only required to provide one drop boxes in their jurisdiction, and while some counties provided more, others did not. Moreover, their use was subject to litigation and contest.
- Expands accessibility requirements for ballot drop box locations to ensure unhoused communities can participate in federal elections.⁷
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their vote is counted.⁸
- Deems ballots postmarked by Election Day valid and must be counted, if delivered to election officials up to ten days after Election Day.⁹ Currently, Nevada law requires that a ballot must be received within seven days of Election Day to be counted.¹⁰
- Establishes more options to obtain absentee ballots for disabled, overseas, and military voters.¹¹
- Mandates option to vote early (in-person absent) for a full 15 days before an election, including weekends and the day before Election Day.¹² Nevada currently provides for two weeks of early voting but exempts Sundays and federal holidays.¹³
- Requires early voting locations must be open at least ten hours each day, with hours before 9 a.m. and after 5 p.m.¹⁴ Requires all polling stations to be open for a minimum of 4 total hours outside of the regular working hours from 9 a.m. to 5 p.m. in the time zone of the polling location.¹⁵ Currently, Nevada law requires early voting locations to open eight hours each weekday and four hours each Saturday.¹⁶

Protecting & Expanding Ballot Access

⁶ H.R. 1, Title I, Subtitle N, Part 1.

⁷ Amendment 15 to H.R.1, Part B.

⁸ H.R. 1, Title I, Subtitle I.

⁹ H.R. 1, Title I, Subtitle I.

¹⁰ NRS § 293.317.

¹¹ H.R. 1, Title I, Subtitle J.

¹² H.R. 1, Title I, Subtitle H.

¹³ NRS § 293.356(1).

¹⁴ H.R. 1, Title I, Subtitle H.

¹⁵ Amendment 50 to H.R.1, Part B.

¹⁶ NRS § 293.356(3).



- Requires Nevada to take steps to ensure fair and equitable waiting time for all voters across the state and limits wait time at any polling place to no longer than 30 minutes.¹⁷ During the 2020 election, hours-long lines were common in Nevada.¹⁸
- Mandates any changes to polling place locations be announced seven days before Election Day.¹⁹

Restoring Civil Rights

- Requires Nevada to restore voting rights to people with felony convictions upon release from prison and to offer voter registration materials upon eligibility.²⁰ This is consistent with current Nevada law, which allows individuals convicted of a felony to vote upon release from prison.

Strengthening Election Security & Trust in Elections

- Requires Nevada to begin pre-processing early voter ballots at least 14 days prior to the date of the election involved.²¹ This will reduce the kinds of delays that were exploited in 2020 to spread distrust in Nevada’s counting process.
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²²
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election.²³
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.²⁴
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.²⁵

¹⁷ H.R. 1, Title I, Subtitle N, Part 1.

¹⁸ Kaitlyn Olvera, “Voters face long lines, lengthy wait times as first day of early voting kicks off in Clark County,” *8 News Now*, October 17, 2020, available at <https://www.8newsnow.com/news/local-news/voters-face-long-lines-lengthy-wait-times-as-first-day-of-early-voting-kicks-off-in-clark-county/>.

¹⁹ H.R. 1, Title I, Subtitle N, Part 1.

²⁰ H.R. 1, Title I, Subtitle E.

²¹ H.R. 1, Title I, Subtitle I.

²² Amendment 5 to H.R.1, Part B.

²³ Amendment 26 to H.R.1, Part B.

²⁴ Amendment 27 to H.R.1, Part B.

²⁵ H.R. 1, Title I, Subtitle F

- Permits the security of drop boxes through remote or electronic surveillance.²⁶

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Under current Nevada law, the legislature crafts congressional districts, subject to gubernatorial veto. It can do so for partisan advantage or to favor incumbents. There is no public input requirement. H.R.1/S.1 would do the following:
 - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.²⁷
 - Requires consideration of “communities of interest” when drawing districts.²⁸
 - Counts incarcerated Nevadans as residents of their home community for purposes of representation, which is consistent with current Nevada law.
 - H.R.1/S.1 does not apply to redistricting for state or local offices.

²⁶ Amendment 9 to H.R.1, Part B.

²⁷ H.R. 1, Title II, Subtitle E.

²⁸ H.R. 1, Title II, Subtitle E.



North Carolina

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in North Carolina that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. The legislation would also increase certainty for all voters about election procedures after a decade of litigation in response to partisan gerrymandering and voter-suppression legislation. Several of the requirements of H.R.1/S.1—including those relating to online voter registration—already exist in some form in North Carolina. Other requirements, such as those relating to automatic voter registration, voter ID, and early voting, would more fundamentally change North Carolina’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in North Carolina:

Expanding & Protecting Voter Registration Opportunities

- Requires North Carolina to automatically register voters when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration, so long as the resident does not opt out. Establishes a grant program to fund this new requirement.¹ North Carolina does not currently automatically register voters.
- Permits voters to register to vote at a polling place and to vote on the same day both for Election Day and early voting.² North Carolina permits same-day registration during in-person early voting, but otherwise requires registering 25 days in advance.³
- Prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information. Prohibits the removal of a voter from the rolls based on the failure of a registered voter to respond to a notice, unless that notice is returned as undeliverable.⁴

¹ H.R. 1, Title I, Subtitle A, Part 2.

² H.R. 1, Title I, Subtitle A, Part 3.

³ N.C. Gen. Stat. § 163-82.6; see *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204, 237 (4th Cir. 2016) (invalidating 2016 law ending same-day registration during early voting).

⁴ H.R. 1, Title I, Subtitle C; Title II, Subtitle F.



- Prevents North Carolina from rolling back voter protections already in state law, including the pre-registration of 16- and 17-year-olds to vote immediately upon turning 18⁵ and online voter registration.⁶

•

Mandating Secure, Accessible Early Voting & Absentee Voting

- Gives voters the option of voting early and in person for a full 15 days before a federal election, including opportunities before and after business hours, on weekends, and on the day before Election Day.⁷ While North Carolina currently permits up to 17 days of early voting, it does not allow early voting the Sunday and Monday before Election Day, nor does it require extended hours.⁸
- Establishes more options to obtain vote-by-mail ballots for disabled, overseas, and military voters.⁹
- Establishes a ballot tracking system that enables voters to follow their ballot's status through the voting and counting process.¹⁰
- Protects the distribution of applications for absentee ballots and voter registration.¹¹
- Permits absentee voters to have their votes counted without obtaining witness signatures.¹² Current North Carolina law requires absentee voting in the presence of two witnesses (or one notary public) and for those witnesses to sign and address the ballot envelope.¹³
- Deems ballots postmarked by Election Day valid and requires such ballots to be counted if delivered to election officials up to ten days after the election.¹⁴ North Carolina currently only counts ballots received up to three days after Election Day.¹⁵

⁵ H.R. 1, Title I, Subtitle A, Part 10.; *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016) (invalidating repeal of preregistration law).

⁶ H.R. 1, Title I, Subtitle A, Part 1; see www.ncdot.gov/dmv/offices-services/online/Pages/voter-registration-application.aspx.

⁷ H.R. 1, Title I, Subtitle H.

⁸ N.C. Gen. Stat. § 163-227.2(b).

⁹ H.R. 1, Title I, Subtitle J.

¹⁰ H.R. 1, Title I, Subtitle I.

¹¹ *Id.*

¹² H.R. 1, Title I, Subtitle I.

¹³ N.C. Gen. Stat. § 163-231(a).

¹⁴ *Id.*

¹⁵ N.C. Gen. Stat. § 163-231(b). Proposed N.C. legislation would not count ballots received after Election Day. See Senate Bill 326.



- Requires that drop boxes be available 24 hours a day, for 15 days before Election Day and that the number of drop boxes be based on county population.¹⁶ North Carolina voters currently may return ballots only during regular voting hours.¹⁷
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their vote is counted.¹⁸

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹⁹
- Requires states to take steps to ensure that voters need not wait more than 30 minutes to vote.²⁰ During the 2020 election, some North Carolinians waited for hours to vote.²¹
- Allows voters who are already registered be able to provide a sworn written statement on a state form to confirm their identify and eligibility to vote in the election as an alternative means of complying with North Carolina’s voter ID requirements.²²
- Prohibits challenges to voters’ eligibility based on race, ethnicity, or age by non-election officials. Requires challenges to voter qualifications to be made under oath, based on personal knowledge, and filed more than 10 days before Election Day.²³ Currently, while North Carolina requires challenges to be under oath, there is no requirement of express knowledge, and challenges may occur as late as Election Day.²⁴

Restoring Civil Rights

¹⁶ H.R. 1, Title I, Subtitle N, Part 1.

¹⁷ N.C. Gen. Stat. § 163-231(b)(1), (c).

¹⁸ H.R. 1, Title I, Subtitle N, Part 1.

¹⁹ H.R. 1, Title I, Subtitle N, Part 1.

²⁰ *Id.*

²¹ *See, e.g.*, Bryan Anderson and Sarah Blake Morgan, “Long Lines Form As North Carolina Begins Early voting,” *Associated Press* (Oct. 15, 2020), available at <https://apnews.com/article/virus-outbreak-election-2020-donald-trump-north-carolina-greenville-4f38bfa1ea7b1f1b953c63cf5d00a1bf>.

²² H.R. 1, Title I, Subtitle N, Part 1; N.C. Gen. Stat. §§ 163-166.16, 163-230.2(a)(4). North Carolina’s voter ID requirements are currently subject to litigation in state and federal court. A North Carolina state court preliminarily enjoined these requirements last year. Order Denying Mot. to Refrain from Entering or, Alternatively, Dissolve Preliminary Injunction, *Holmes v. Moore*, No. 18 CVS 15292 (N.C. Super. Ct. Aug. 12, 2020); *see N.C. State Conf. of the NAACP v. Raymond*, 981 F.3d 295 (4th Cir. 2020) (vacating preliminary injunction in parallel federal challenge).

²³ *Id.*

²⁴ N.C. Gen. Stat. §§ 163-85, 163-87, 163-89, 163-90.1.

- Requires North Carolina to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.²⁵ Currently, North Carolinians with felony convictions do not regain their rights until also completing their terms of probation and/or parole and paying any financial obligations imposed.²⁶

Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²⁷
- Prohibits the U.S. Postal Service from making operational changes that would slow the delivery of voting materials in the 120-day period before an election.²⁸
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.²⁹
- Allows voters to check for errors and requires a paper ballot count for recounts.³⁰

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the North Carolina legislature crafts congressional districts with no public input requirement.³¹
- H.R.1/S.1
 - Requires North Carolina to create an independent commission to draw federal congressional districts, which must take public input and operate in an open, transparent process.³²

²⁵ H.R. 1, Title I, Subtitle E.

²⁶ N.C. Const. art. VI, § 2(3); N.C. Gen. Stat. § 13-1. A North Carolina state court entered a preliminary injunction permitting registration by individuals who would be qualified to vote but for financial obligations that they cannot afford to pay. Order on Injunctive Relief, *Cnty. Success Initiative v. Moore*, No. 19 CVS 15941 (N.C. Super. Ct. Sept. 4, 2020).

²⁷ Amendment 5 to H.R.1, Part B.

²⁸ H.R. 1, Title I, Subtitle I.

²⁹ Amendment 27 to H.R.1, Part B.

³⁰ H.R. 1, Title I, Subtitle F.

³¹ Order on Injunctive Relief, *Harper v. Lewis*, 19 CVS 012667 (N.C. Super. Ct. Oct. 28, 2019).

³² H.R. 1, Title III, Subtitle E.



- Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.³³
- Requires consideration of “communities of interest” when drawing congressional districts.³⁴
- Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).³⁵
- Counts incarcerated North Carolinians as residents of their home community for purposes of representation, ending prison gerrymanders.³⁶

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

Oregon

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Oregon that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Unlike many states, Oregon conducts its elections by mail, and many of the requirements of H.R.1/S.1—including those relating to automatic voter registration, voting by mail, and enfranchisement of people who have previously been incarcerated—already exist in some form in the state. Other requirements, such as those relating to same-day voter registration and an independent redistricting commission, would more substantially change Oregon’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Oregon:

Expanding & Protecting Voter Registration Opportunities

- Requires Oregon to implement Automatic Voter Registration when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration, so long as the resident does not opt out.³⁷ Oregon was the first state in the country to adopt an automatic voter registration program and already does so using data reported by the Department of Transportation.³⁸

³⁷ H.R.1, Title I, Subtitle A, Part 2.

³⁸ ORS 247.017; Brennan Center for Justice, *Expert Brief: Automatic Voter Registration in Oregon* (Nov. 13, 2015), <https://www.brennancenter.org/our-work/research-reports/automatic-voter-registration-oregon>.



- Permits voters to register to vote at a polling place and to vote on the same day both for Election Day and early voting. Oregon currently requires registration, or a postmarked mailed registration, 21 days before a given election.³⁹
- Mandates that voters aged 16 or older be allowed to register to vote. Oregon already provides this.⁴⁰
- Requires universities to serve as voter registration agencies and to appoint “Campus Vote Coordinators” responsible for disseminating voter registration information. Oregon classifies public universities as voter registration agencies but exempts them from certain obligations imposed by the National Voter Registration Act on other voter registration agencies.⁴¹
- Prohibits the removal of a voter from the rolls based on the failure of the voter to respond to a notice, unless that notice is returned as undeliverable. Oregon currently allows the cancellation of a voter’s registration if the voter both fails to timely return a Notice of Invalid Registration and fails to vote or update their registration before two general elections have been held from the time of the notice.⁴²

Mandating Secure, Accessible Early Voting & Absentee Voting

- Requires states to make early voting available for 15 days before Election Day “in the same manner as voting is allowed on” Election Day itself and imposes certain minimum requirements on the hours during which early voting is open during this time period. In addition to available drop boxes, Oregon currently allows limited in-person voting opportunities on Election Day, including for voters who require a replacement ballot or assistance in marking their ballot. Any such opportunities, along with new same-day registration opportunities required by H.R.1, would have to be expanded in accordance with the early voting requirements of H.R.1.⁴³
- Requires secure drop boxes to be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on the number of registered voters in the county. The formula in H.R.1 would likely expand the number of drop boxes available in each Oregon county and the time period during which they are available. Currently in Oregon, drop boxes are only required to be open starting the Friday before Election Day

³⁹ H.R.1, Title I, Subtitle A, Part 3; *cf.* ORS § 247.025.

⁴⁰ H.R.1, Title I, Subtitle A, Part 10; *cf.* ORS 247.016.

⁴¹ H.R.1, Title I, Subtitle N, Part 1, § 1901; *cf.* ORS 247.208, OAR 165-005-0055.

⁴² H.R.1, Title II, Subtitle F; *cf.* ORS 247.555.

⁴³ H.R.1, Title I, Subtitle H; *cf.* VBM Manual at 14–15.

and need not be open 24 hours a day. While counties generally open drop boxes earlier, vote-by-mail ballots are not mailed to in-state voters until 20 days before Election Day.⁴⁴

- Requires drop boxes to be distributed on a non-discriminatory basis and sufficiently available in rural and Tribal communities. Oregon currently requires county officials to submit a drop box plan to the Secretary of State 30 days before Election Day. There must be at least one drop box “within four miles of the main campus of each public university or community college,” but there is no comparable requirement for rural and Tribal communities.⁴⁵
- Requires states to count mail-in ballots received up to ten days after Election Day, if postmarked on or before Election Day. Oregon currently only counts ballots received by a county clerk or at an official drop box by Election Day at 8 p.m.⁴⁶

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.⁴⁷
- Mandates any changes to polling place locations from the previous election be announced seven days before Election Day. Oregon currently requires public notice of all drop box locations, regardless of any changes from previous elections, but notice need only be provided before Election Day.⁴⁸
- Allows voters to submit sworn affidavits in lieu of government-issued identification when voting. Oregon does not have a voter ID requirement.⁴⁹
- Prohibits challenges to voters’ eligibility based on race, ethnicity, or age by non-election officials. Requires all challenges to be submitted formally in writing, “supported by personal knowledge,” and “subject to an oath or attestation under penalty of perjury.” Oregon currently allows any qualified elector in the county to challenge a voter’s eligibility on oath or affirmation if the challenging elector “knows or suspects” the voter

⁴⁴ H.R.1, Title I, Subtitle N, Part 1, § 1907; *cf.* Oregon Vote By Mail Procedures Manual (Mar. 2020) (“VBM Manual”), promulgated at OAR 165-007-0030 and available at https://sos.oregon.gov/elections/Documents/vbm_manual.pdf, at 10, 12, 31–32; ORS 254.470(1), (2). By statute, drop boxes need only be open Election Day until 8 p.m., but under delegated authority the secretary of state mandates that drop boxes be open starting the Friday before Election Day. *See id.*

⁴⁵ H.R.1, Title I, Subtitle N, Part 1, § 1907; *cf.* VBM Manual at 12.

⁴⁶ H.R.1, Title I, Subtitle I; *cf.* ORS 254.470, 253.070.

⁴⁷ H.R.1, Title I, Subtitle N, Part 1, § 1909.

⁴⁸ H.R.1, Title I, Subtitle N, Part 1, § 1902; *cf.* VBM Manual at 12-13.

⁴⁹ H.R.1, Title I, Subtitle N, Part 1.



not to be qualified. A challenge is due before the voter's ballot is opened, which may occur as early as seven days before Election Day.⁵⁰

- Requires states to take steps to ensure that voters need not wait more than 30 minutes to vote.⁵¹ Oregon currently has no such requirement but does require local officials to “ensure authorized personnel are available at drop boxes to determine that everyone in line at 8 pm is allowed to deposit their ballot.” Under Oregon law, such voters are “considered to have begun the act of voting.”⁵²
- Requires that provisional ballots from eligible voters in the wrong precinct or polling place still be counted for those races in common with the correct precinct.⁵³ Oregon currently provides for county officials to transfer ballots delivered to the wrong county within 48 hours of receipt and not later than 3 business days after Election Day.⁵⁴

Restoring Civil Rights

- Requires Oregon to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.⁵⁵ Oregon allows those who have been discharged or paroled from imprisonment to register to vote, update a registration to vote, or vote.⁵⁶ Oregon is currently debating legislation to allow people in prison to vote.⁵⁷

Strengthening Election Security & Trust in Elections

- Requires states to begin processing mail-in ballots at least 14 days prior to an election. Oregon currently permits processing and scanning of ballots no sooner than 7 days before the election.⁵⁸

⁵⁰ H.R.1, Title I, Subtitle C; *cf.* ORS §§ 253.700, 254.415, 254.426; VBM Manual at 55.

⁵¹ H.R.1, Title I, Subtitle N, Part 1, § 1906.

⁵² VBM Manual at 14; ORS 254.470(10).

⁵³ H.R.1, Title I, Subtitle G.

⁵⁴ VBM Manual at 33.

⁵⁵ H.R. 1, Title I, Subtitle E.

⁵⁶ H.R.1, Title I, Subtitle E; *cf.* ORS 137.281.

⁵⁷ Dirk VanderHart, *Oregon Lawmakers Consider Allowing Prisoners to Vote*, Oregon Public Broadcasting (Feb. 5, 2021), <https://www.opb.org/article/2021/02/11/oregon-lawmakers-consider-allowing-prisoners-to-vote/>.

⁵⁸ H.R.1, Title I, Subtitle I; *cf.* VBM Manual at 36.



- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.⁵⁹
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120-day period before an election.⁶⁰
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.⁶¹
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast. Oregon currently only uses voter-verified paper ballots.⁶²
- Permits monitoring of drop boxes through remote or electronic surveillance.⁶³ Oregon law does not specifically address how drop boxes are secured. Individual counties are responsible for submitting security plans that must address drop box security to the Secretary of State.⁶⁴

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, Oregon’s legislature is responsible for redistricting. A ballot initiative aimed at establishing an independent commission failed to make it on the November 2020 ballot.⁶⁵ H.R.1/S.1. would do the following:
 - Requires Oregon set up an independent commission to draw federal congressional districts, which must take public input and operate in an open, transparent process.⁶⁶
 - Requires consideration of “communities of interest” when drawing congressional districts.⁶⁷

⁵⁹ H.R.1, Title I, Subtitle H, § 1611.

⁶⁰ H.R.1, Title I, Subtitle I, § 1621.

⁶¹ H.R.1, Title I, Subtitle I, § 1623.

⁶² H.R.1, Title I, Subtitle F; <https://www.nbcnews.com/politics/elections/you-can-t-hack-paper-how-oregon-fights-election-meddling-n930481>.

⁶³ H.R.1, Title I, Subtitle N, Part 1, § 1907.

⁶⁴ See ORS 254.470; VBM Manual at 8.

⁶⁵ *People Not Politicians Oregon v. Clarno*, 826 F. App’x 581 (9th Cir. 2020); see generally Jeff Mapes, Oregon Redistricting Measure Blocked from November Ballot by Appeals Court Decision, Oregon Public Broadcasting (Sept. 2, 2020), <https://www.opb.org/article/2020/09/02/oregon-redistricting-measure-2020-court-ruling/>.

⁶⁶ H.R.1, Title II, Subtitle E.

⁶⁷ H.R. 1, Title III, Subtitle E.



- Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).⁶⁸
- Counts incarcerated Oregonians as residents of their home community for purposes of representation, ending prison gerrymanders.⁶⁹

Pennsylvania

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Pennsylvania that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R.1/S.1—including those relating to universal mail-in voting, online registration, and felon enfranchisement—already exist in some form in Pennsylvania. Other requirements, such as those

⁶⁸ *Id.*

⁶⁹ *Id.*

relating to early voting, would more fundamentally change Pennsylvania's procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Pennsylvania:

Expanding & Protecting Voter Registration Opportunities

- Requires further expansion of Pennsylvania's DMV registration procedure.⁷⁰
- Requires same-day voter registration for federal elections.⁷¹ Currently, Pennsylvania voters must have registered to vote at least 15 days before any election.⁷²
- Prohibits challenges to a voter's registration less than 10 days before a federal election unless the individual registered to vote less than 20 days before the election.⁷³ In 2020, voter qualifications could be challenged up until the Friday before Election Day.⁷⁴
- Lowers the minimum age for voter pre-registration from 18 to 16.⁷⁵ In Pennsylvania, you must be at least 18 on the day of the next election to register.⁷⁶
- Requires universities to serve as voter registration agencies and to appoint "Campus Vote Coordinators" responsible for disseminating voter registration information.⁷⁷
- Prohibits challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Imposes significant limitations on the ability to challenge a voter's registration or eligibility, including by prohibiting challenges on Election Day other than by an election official, and requiring a challenger to submit an affidavit of good cause based on personal knowledge. Current law permits in-person challenges at the polling

⁷⁰ H.R. 1, Title I, Subtitle A, Part 8.

⁷¹ H.R. 1, Title I, Subtitle A, Part 3.

⁷² "Register to Vote," *Votes PA*, accessed March 22, 2021, available at <https://www.votespa.com/Register-to-Vote/Pages/default.aspx>.

⁷³ H.R. 1, Title I, Subtitle C; 25 P.S. § 1329.

⁷⁴ Mark Morales et.al., "Key deadline to challenge mail-in ballot applications in Pennsylvania passes with few filings," *CNN*, October 31, 2020, available at <https://www.cnn.com/2020/10/31/politics/deadline-philadelphia-pennsylvania-mail-in-challenge/index.html>.

⁷⁵ H.R. 1, Title I, Subtitle A, Part 10; 25 P.S. § 1301(a).

⁷⁶ "Voter Registration Requirements," *Votes PA*, accessed March 22, 2021, available at <https://www.votespa.com/Register-to-Vote/Pages/Voter-Registration-Requirements.aspx>.

⁷⁷ H.R. 1, Title I, Subtitle N, Part 1.

place to be made by any voter or a poll watcher, and which requires neither an affidavit nor personal knowledge.⁷⁸

Mandating Secure, Accessible Early Voting & Absentee Voting

- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.⁷⁹ In 2020, the question whether counties could use drop boxes was resolved only after a lawsuit made its way to the state Supreme Court in September.⁸⁰ Only then did some counties begin using drop boxes, but their use was highly variable.⁸¹
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their votes are counted.⁸²

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.⁸³
- Mandates that changes to polling place locations be announced seven days before Election Day.⁸⁴
- Requires Pennsylvania to take steps to ensure that voters wait no more than 30 minutes to vote.⁸⁵ While the statewide average wait time in Pennsylvania has traditionally been in

⁷⁸ H.R. 1, Title I, Subtitle C; 25 P.S. § 3050(d); *see also* Pennsylvania Department of State, “Guidance Concerning Poll Watchers and Authorized Representatives,” *Votes PA*, October 28, 2020, available at <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/Poll%20Watcher%20Guidance%20Final%2010-6-2020.pdf>.

⁷⁹ H.R. 1, Title I, Subtitle N, Part 1; *cf.* *Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 361 (Pa. 2020), *cert. denied sub nom. Republican Party of Pennsylvania v. Degraffenreid*, 141 S. Ct. 732 (2021) (holding that the Election Code permits county boards of election to accept hand-delivered mail-in ballots at locations other than their office addresses including drop-boxes).

⁸⁰ *See Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 380 (Pa. 2020)

⁸¹ “Pennsylvania Secretary Of State Reminds Voters About Drop Box Locations Ahead Of Nov. 3 Election,” *Pennsylvania Pressroom*, October 23, 2020, available at <https://www.media.pa.gov/pages/state-details.aspx?newsid=419>.

⁸² *Id.*

⁸³ H.R. 1, Title I, Subtitle N, Part 1.

⁸⁴ H.R. 1, Title I, Subtitle N, Part 1.

⁸⁵ H.R. 1, Title I, Subtitle N, Part 1.

the range of 10 to 15 minutes, in some neighborhoods voters waited in hours-long lines during the 2020 primary and general elections.⁸⁶

- Requires measures to make ballots and voting machines more accessible to people with disabilities.⁸⁷
- Offers the opportunity to voters to submit sworn affidavits to demonstrate eligibility to vote in lieu of government-issued identification, as opposed to current law, which requires first-time voters to present identification to vote and to vote provisionally if they submit sworn affidavits in lieu of identification.⁸⁸
- Requires voters have notice and a meaningful opportunity to cure any signature discrepancies, as opposed to current law, which is unclear, and seems to provide that in-person ballots must be marked as “challenged” when the voter’s signature does not match the signature on file,⁸⁹ but that election officials may not reject mail-in ballots based on signature discrepancies.⁹⁰
- Requires Pennsylvania to restore civil rights to people with felony convictions once they are released from prison, which is consistent with current Pennsylvania law.⁹¹

Strengthening Election Security & Trust in Elections

⁸⁶ See, e.g., Lowell Melser, “Looooooooong lines form for hours in Pa. on Election Day,” *WBAL TV*, November 3, 2020, available at <https://www.wbaltv.com/article/election-day-long-lines-pennsylvania-voting/34564763#>; C. Stewart III, S. Ansolabehere, “Waiting in Line to Vote,” July 28, 2013, *U.S. Election Assistance Commission*, available at <https://www.eac.gov/documents/2017/02/24/waiting-in-line-to-vote-white-paper-stewart-ansolabehere>.

⁸⁷ H.R. 1, Title I, Subtitle F.

⁸⁸ H.R. 1, Title I, Subtitle G. The Pennsylvania Supreme Court struck down the State’s voter identification law, 25 P.S. § 3050(a.2), in *Applewhite v. Commonwealth*, 2014 WL 184988 (Pa. Cmwlth. Jan. 7, 2014). The statute remains technically on the books, even though struck down, creating the potential for confusion.

⁸⁹ H.R. 1, Title I, Subtitle I; 25 P.S. § 3050(a.3)(2).

⁹⁰ In re: November 3, 2020 General Election, 240 A.3d 591 (Pa. 2020).

⁹¹ H.R. 1, Title I, Subtitle E. Although still on the books, the Pennsylvania statute (25 P.S. § 961.501, now codified as 25 P.S. § 1301(a)) that rendered persons incarcerated for a felony in the preceding five years ineligible to register has been declared unconstitutional. See *Mixon v. Com.*, 759 A.2d 442 (Pa. Cmwlth. Co. 2000), *aff’d*, 566 Pa. 616 (Pa. 2001). Current guidance issued by the Secretary of the Commonwealth promulgates the same standard for disenfranchisement as set forth in Title I, Subtitle E. See Pennsylvania Department of State, “Voting Rights of Convicted Felons, Convicted Misdemeanants and Pretrial Detainees,” *Votes PA*, accessed March 22, 2021, available at https://www.votespa.com/Register-to-Vote/Documents/Convicted_felon_brochure.pdf.



- Requires Pennsylvania to begin pre-processing mail-in ballots received during the early voting period, as opposed to current law, which provides that the pre-canvassing process can begin no earlier than 7:00 a.m. on Election Day.⁹² This will reduce the kinds of delays that were exploited in 2020 to spread distrust in Pennsylvania’s counting process.
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.⁹³
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120-day period before an election.⁹⁴
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.⁹⁵
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.⁹⁶
- Permits the security of drop boxes through remote or electronic surveillance.⁹⁷

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature crafts congressional districts in Pennsylvania. There is no public input requirement.⁹⁸ H.R.1/S.1. would do the following:
 - Requires Pennsylvania to set up an independent commission to draw federal congressional districts, which must take public input and operate an open, transparent process.⁹⁹
 - Requires consideration of “communities of interest” when drawing congressional districts.¹⁰⁰

⁹² H.R. 1, Title I, Subtitle I; 25 P.S. § 3146.8.

⁹³ Amendment 5 to H.R.1, Part B.

⁹⁴ Amendment 26 to H.R.1, Part B.

⁹⁵ Amendment 27 to H.R.1, Part B.

⁹⁶ H.R. 1, Title I, Subtitle F

⁹⁷ Amendment 9 to H.R.1, Part B.

⁹⁸ There are no statutory or constitutional provisions for congressional redistricting in Wisconsin. The process is governed by court and procedural precedents, including U.S. Supreme Court holdings that districts must absolutely equal in population, and be enacted into law following the same process as any bill.

⁹⁹ H.R. 1, Title III, Subtitle E.

¹⁰⁰ *Id.*



- Counts incarcerated Pennsylvanians as residents of their home community for purposes of representation, ending Pennsylvania’s prison gerrymanders.¹⁰¹
- Authorizes a federal court to draw the maps if not finalized by December 15, 2021.¹⁰² (This does not impact the process for state legislative or local redistricting.)¹⁰³

¹⁰¹ Id.

¹⁰² H.R. 1, Title III, Subtitle E.

¹⁰³ H.R. 1, Title III, Subtitle E, Part 4.



Texas

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Texas that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. The requirements of H.R.1/S.1—including those relating to universal mail-in voting, automatic voter registration, and gerrymandering—would more fundamentally change Texas’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Texas:

Expanding & Protecting Voter Registration Opportunities

- Requires states to use Automatic Voter Registration (AVR) for federal elections nationwide.¹ Provides for AVR by triggering such registration when a citizen over the age of 16 interacts with designated state or federal agencies, including the DMV, educational institutions, and the Social Security Administration, unless the citizen affirmatively declines to register.² Texas currently does not use AVR.
- Allows 16- and 17-year-olds to pre-register to vote and then vote immediately upon turning 18.³ Under current Texas law, individuals may register to vote at 17 years and 10 months.
- Prohibits officials from using voter caging or unverified match lists to prevent any individual from registering or voting in a federal election.⁴
- Requires election officials to complete cross-check purges at least six months prior to a given election,⁵ in contrast to Texas law which places no restrictions on when voter purges must be complete.

Mandating Secure, Accessible Early Voting & Absentee Voting

¹ H.R. 1, Title I, Subtitle A, Part 2.

² H.R. 1, Title I, Subtitle A.

³ H.R. 1, Title I, Subtitle A, Part 10.

⁴ H.R. 1, Title II, Subtitle F.

⁵ H.R. 1, Title II, Subtitle F.



- Requires states to allow any eligible voter to vote by mail in federal elections (no-excuse absentee voting). Current Texas law only allows people who are sick or disabled, over the age of 65, out of the county during the election, or in jail but eligible to vote to obtain a mail in ballot.⁶
- Establishes more options to obtain absentee ballots for overseas, and military voters.⁷
- Establishes a ballot tracking system, so voters can follow their ballot's status through the voting and counting process.⁸
- Deems ballots postmarked by Election Day valid and must be counted, if delivered to election officials up to ten days after Election Day.⁹ Currently, Texas law requires that a ballot must be received not later than 5 p.m. on the day after Election Day to be counted.¹⁰
- Requires secure drop boxes must be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.¹¹ In 2020, Texas counties were allowed only one drop-off location for mail-in ballots per county.¹² Moreover, their use was subject to litigation and contest.
- Expands accessibility requirements for ballot drop box locations to ensure unhoused communities can participate in federal elections.¹³
- Ensures that the number of drop boxes and geographical distribution of drop boxes provide a reasonable opportunity for voters to submit their ballot.

Protecting & Expanding Ballot Access

⁶ "Application for a Ballot by Mail," *Texas Secretary of State*, accessed March 22, 2021, available at <https://www.sos.texas.gov/elections/voter/reqabbm.shtml>.

⁷ H.R. 1, Title I, Subtitle J.

⁸ H.R. 1, Title I, Subtitle I.

⁹ H.R. 1, Title I, Subtitle I.

¹⁰ Tex. Elec. Code § 86.007(a)(2).

¹¹ H.R. 1, Title I, Subtitle N, Part 1.

¹² Jolie McCullough, "Texas counties will be allowed only one drop-off location for mail-in ballots," *Texas Tribune*, October 27, 2020, available at <https://www.texastribune.org/2020/10/27/texas-voting-elections-mail-in-drop-off/>

¹³ Amendment 15 to H.R. 1, Part B.



- Permits voters to provide a written statement on a state form, confirming their identity and eligibility to vote in the election.¹⁴ Currently, Texas voters are required to provide a driver's license or photo identification card to vote.¹⁵
- Mandates option to vote early (in-person absentee) for a full 15 days before an election, including weekends and the day before Election Day.¹⁶ Texas currently provides that early voting begins the 17th day before Election Day and continues through the fourth day before Election Day.¹⁷
- Requires early voting locations must be open at least ten hours each day, with hours before 9 a.m. and after 5 p.m.¹⁸ Requires all polling stations to be open for a minimum of 4 total hours outside of the regular working hours from 9am to 5pm in the time zone of the polling location.¹⁹ Currently, Texas law requires early voting locations to open "during the hours that the county clerk's or city secretary's main business office is regularly open for business," unless the county has a population of 100,000 or more.²⁰ In counties of 100,000 or more individuals, Texas requires early voting locations to open at least twelve hours each weekday.²¹
- Requires Texas to take steps to ensure fair and equitable waiting time for all voters across the state and limits wait time at any polling place to no longer than 30 minutes.²² During the 2020 election, hours-long lines were common in Texas. Mandates any changes to polling place locations be announced seven days before Election Day.²³

Restoring Civil Rights

- Requires Texas to restore voting rights to people with felony convictions upon release from prison, and to offer voter registration materials upon eligibility.²⁴ Texans convicted

¹⁴ H.R. 1, Title I, Subtitle N, Part 1.

¹⁵ Tex. Elec. Code § 63.0101.

¹⁶ H.R. 1, Title I, Subtitle H.

¹⁷ Tex. Elec. Code § 85.001.

¹⁸ H.R. 1, Title I, Subtitle H.

¹⁹ Amendment 50 to H.R. 1, Part B.

²⁰ Tex. Elec. Code. § 85.005.

²¹ Tex. Elec. Code. § 85.005.

²² H.R. 1, Title I, Subtitle N, Part 1.

²³ H.R. 1, Title I, Subtitle N, Part 1.

²⁴ H.R. 1, Title I, Subtitle E.



of a felony are currently eligible to register to vote once their sentence has been “fully discharged,” including probation and supervised release.²⁵

Strengthening Election Security & Trust in Elections

- Requires a voting system that produces a paper ballot that is verified by the voter before the vote is cast.²⁶
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²⁷
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120-day period before an election.²⁸
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.²⁹
- Permits the security of drop boxes through remote or electronic surveillance.³⁰

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Under current Texas law, the legislature or the Legislative Redistricting Board crafts congressional districts. Either can do so for partisan advantage or to favor incumbents. There is no public input requirement. H.R.1/S.1. would do the following:
 - Requires Texas to set up an independent commission to draw federal congressional districts, which must take public input and operate an open, transparent process.³¹
 - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.³²
 - Requires consideration of “communities of interest” when drawing districts.³³

²⁵ Tex. Elec. Code § 11.002.

²⁶ H.R. 1, Title I, Subtitle F.

²⁷ Amendment 5 to H.R.1, Part B.

²⁸ Amendment 26 to H.R.1, Part B.

²⁹ Amendment 27 to H.R.1, Part B.

³⁰ Amendment 9 to H.R.1, Part B.

³¹ H.R. 1, Title III, Subtitle E.

³² H.R. 1, Title II, Subtitle E.

³³ H.R. 1, Title II, Subtitle E.



- Counts incarcerated Texans as residents of their home community for purposes of representation.

Utah

If enacted in its current form, the For the People Act (H.R.1/S.1) would only modestly change federal elections in Utah. Utah represents a state where many of the goals of H.R.1/S.1 are already a reality. Most Utah voters already vote early or by mail, which Utah's laws encourage by design. In addition, Utah already has an independent redistricting commission, though the legislature maintains the ultimate power to draw districts.

The following is a summary of the most salient ways in which H.R.1/S.1 would interact with current Utah law:

Expanding & Protecting Voter Registration Opportunities

- Requires Utah to automatically register voters when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration, so long as the resident does not opt out. Establishes a grant program to fund this new requirement.¹ Utah does not currently have automatic voter registration.
- Permits voters to register to vote at a polling place and vote on the same day. Applies to Election Day and early voting.² Utah already permits same-day registration, except that voters seeking to change parties to vote in even-year primary elections must do so no later than March 31.³
- Gives voters an option to register online, as Utah already does.⁴
- Prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information.⁵

¹ H.R. 1, Title I, Subtitle A, Part 2.

² H.R. 1, Title I, Subtitle A, Part 3.

³ Utah Code § 20A-2-207 (permitting eligible voters who are not registered to vote provisionally at polling place during early voting or on Election Day and for such a provisional ballot to constitute a voter registration form); H.B. 197 (amending Utah Code § 20A-2-107).

⁴ H.R. 1, Title I, Subtitle A, Part 1; Utah Code § 20A-2-206.

⁵ H.R. 1, Title I, Subtitle C.



Mandating Secure, Accessible Early Voting & Absentee Voting

- Requires procedures that enhance voters' ability to vote early and absentee. Most Utahns already vote early or by mail under laws designed to promote these voting methods that meet or exceed H.R.1/S.1's requirements.⁶
- Gives voters the option of early in person voting for a full 15 days before a federal election, including opportunities before and after business hours, on weekends, and on the day before Election Day.⁷ Under current Utah law, early voting begins 14 days before the election and may continue through the day before Election Day.⁸ Utah does not mandate extended hours for early voting.⁹
- Provides options for certain voters to request absentee ballots. Utah already requires election officials to mail ballots to all registered voters without the need for a request.¹⁰
- Allows voters to cast absentee ballots without witness signatures, as Utah already does.¹¹
- Allows voters to track their ballots through the voting and counting process, as Utah already does.¹²
- Deems ballots postmarked by Election Day valid and requires such ballots to be counted, if delivered to election officials up to ten days after the election.¹³ Utah currently requires ballots received before noon on the seventh day after Election Day to be counted, as long as they are postmarked *before* Election Day. Depending on the date votes are

⁶ In 2016, nearly 70 percent of Utah ballots were cast early or by mail. U.S. Election Assistance Commission, *EAVS Deep Dive: Early, Absentee, and Mail Voting*, <https://www.eac.gov/documents/2017/10/17/eavs-deep-dive-early-absentee-and-mail-voting-data-statutory-overview>.

⁷ H.R. 1, Title I, Subtitle H.

⁸ Utah Code § 20A-3a-601(2)-(3).

⁹ Utah Code. § 20A-3a-602.

¹⁰ H.R. 1, Title I, Subtitle J; Utah Code § 20A-3a-202(2)(a).

¹¹ H.R. 1, Title I, Subtitle I; Utah Code §§ 20A-3a-202(4), 20A-3a-204(1)(e).

¹² H.R. 1, Title I, Subtitle I. Although not required by law, the Lieutenant Governor currently maintains a ballot tracking system, see <https://votesearch.utah.gov/voter-search/search/search-by-voter/track-mail-ballot>. On March 16, 2021, the Governor signed a law that mandates such a ballot tracking system and imposes additional requirements for the system to be effective by May 1, 2022. H.B. 70, to be codified as Utah Code § 20A-3a-401.5.

¹³ H.R. 1, Title I, Subtitle I.

canvassed in a particular county, ballots postmarked before Election Day may be counted if they are received as many as 14 days after Election Day.¹⁴

- Requires that drop boxes be available 24 hours a day for 15 days before Election Day and that the number of drop boxes be based on county population.¹⁵ Utah law provides for drop boxes but does not currently mandate 24/7 availability.¹⁶
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their vote is counted.¹⁷

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹⁸ Utah law currently requires employers to allow employees two hours of paid time off to vote, with limited exceptions.¹⁹
- Requires notice of polling-place relocations at least seven days before Election Day. Utah law currently requires 15 days' notice of all polling-place locations regardless of whether they are different from previous years.²⁰
- Requires states to take steps to ensure that voters need not wait more than 30 minutes to vote.²¹ Following lengthy waits during the 2016 election, Utah enacted a law requiring election officials to take steps to limit waiting times to 30 minutes.²²
- Allows voters who are already registered to provide a sworn written statement on a state form to confirm their identity and eligibility to vote in the election as an alternative means of complying with Utah's voter ID requirements.²³
- Prohibits challenges to voters' eligibility based on race, ethnicity, or age by non-election officials. Requires challenges to voter qualifications to be under oath, based on personal knowledge, and filed more than 10 days before Election Day.²⁴ Currently, while Utah

¹⁴ Utah Code §§ 20A-3a-204(2)(a), 20A-4-301(1)(b).

¹⁵ H.R. 1, Title I, Subtitle N, Part 1.

¹⁶ Utah Code § 20A-3a-204.

¹⁷ H.R. 1, Title I, Subtitle N, Part 1.

¹⁸ H.R. 1, Title I, Subtitle N, Part 1.

¹⁹ Utah Code § 20A-3a-105.

²⁰ H.R. 1, Title I, Subtitle N, Part 1; Utah Code § 20A-3a-703.

²¹ H.R. 1, Title I, Subtitle N, Part 1.

²² 2017 Utah Laws Ch. 108, § 1 (codified as Utah Code § 20A-5-403(6)).

²³ H.R. 1, Title I, Subtitle N, Part 1; Utah Code §§ 20A-1-102(76), 20A-3a-202(5), 20A-3a-203(2)(b).

²⁴ H.R. 1, Title I, Subtitle C.



requires challenges to be under oath and based on personal knowledge, challenges may occur as late as Election Day.²⁵

Restoring Civil Rights

- Requires Utah to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.²⁶ Utah currently permits people with felony convictions to vote when they are released from prison.²⁷

Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²⁸
- Prohibits the U.S. Postal Service from making operational changes that would slow the delivery of voting materials in the 120-day period before an election.²⁹
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.³⁰
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.³¹
- Permits the security of drop boxes through remote or electronic surveillance.³²

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Unlike many states, Utah already provides for an independent redistricting commission for federal elections.³³ However, current Utah law permits the legislature to disregard the commission's work.³⁴ H.R. 1/S. 1:

²⁵ Utah Code §§ 20A-3a-803, 804, 805.

²⁶ H.R. 1, Title I, Subtitle E.

²⁷ Utah Code § 20A-2-101.5

²⁸ Amendment 5 to H.R.1, Part B.

²⁹ H.R. 1, Title I, Subtitle I.

³⁰ Amendment 27 to H.R.1, Part B.

³¹ H.R. 1, Title I, Subtitle F.

³² Amendment 9 to H.R.1, Part B.

³³ Utah Code §§ 20A-20-101 *et seq.*

³⁴ Utah Code. § 20A-20-303(5).



- Requires that an independent commission draw federal congressional districts, which must take public input and operate in an open, transparent process.³⁵ If enacted, Utah’s legislature would no longer be able to reject the commission’s chosen map.
- Prevents one party from dominating the process or excluding minority groups and takes map-drawing away from politicians.³⁶
- Requires consideration of “communities of interest” when drawing congressional districts.³⁷
- Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).³⁸
- Counts incarcerated Utahns as residents of their home community for purposes of representation, ending prison gerrymanders.³⁹

³⁵ H.R. 1, Title III, Subtitle E; Utah Code §§ 20A-20-201, 20A-20-301.

³⁶ H.R. 1, Title III, Subtitle E.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*



West Virginia

If enacted in its current form, the For the People Act (H.R. 1/S.1) would make several changes to federal elections in West Virginia that would strengthen the freedom to vote and bar the state from enacting voter suppression laws in the future. Many of H.R. 1/S.1's requirements, such as those pertaining to automatic voter registration, already exist in some form in West Virginia. Other requirements, such as those relating to mail-in voting, would more fundamentally change West Virginia's procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R. 1/S.1 would affect voting in West Virginia:

Expanding & Protecting Voter Registration Opportunities

- Requires West Virginia to automatically register voters when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration, so long as the resident does not opt out. Establishes a grant program to fund this new requirement.⁴⁰ West Virginia currently has limited automatic registration in connection with the Department of Motor Vehicles.⁴¹

⁴⁰ H.R. 1, Title I, Subtitle A, Part 2.

⁴¹ W. Va. Code Ann. § 3-2-11.



- Permits voters to register to vote at a polling place and vote on the same day, whether on Election Day or during early voting.⁴² West Virginia does not currently permit same-day voter registration.⁴³
- Provides for pre-registration of 16- and 17-year-olds.⁴⁴ In West Virginia, 17-year-olds are allowed to register if they will be 18 years old on the date of the next general election. Such voters may also vote in primaries.⁴⁵
- Requires universities to serve as voter registration agencies and to appoint “Campus Vote Coordinators” responsible for disseminating voter registration information.⁴⁶ West Virginia currently does not impose any such obligation on colleges or universities.
- Prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information.⁴⁷ Under West Virginia’s current procedures for “systematic purging” of voter registration files, a voter who receives a notice but fails to timely return it becomes “inactive” and must affirm their residence the next time they appear at the polls to vote. If such a voter fails to vote or otherwise update their registration within two general elections, their registration is canceled.⁴⁸

Mandating Secure, Accessible Early Voting & Absentee Voting

- Gives voters the option of early in person voting for a full 15 days before a federal election, including opportunities before and after business hours, on weekends, and on the day before Election Day.⁴⁹ West Virginia provides for early in-person voting to be conducted beginning on the thirteenth day before the election and continuing through the third day before the election, including Saturdays but not Sundays.⁵⁰
- Requires West Virginia to allow any eligible voter to vote by mail in federal elections (no-excuse absentee voting) and requires election officials to transmit mail-in ballot

⁴² H.R. 1, Title I, Subtitle A, Part 3.

⁴³ W. Va. Code Ann. § 3-2-6.

⁴⁴ H.R. 1, Title I, Subtitle A, Part 10.

⁴⁵ W. Va. Code Ann. § 3-2-2; W. Va. Code Ann. § 3-1-3.

⁴⁶ H.R. 1, Title I, Subtitle N, Part 1.

⁴⁷ H.R. 1, Title I, Subtitle C.

⁴⁸ W. Va. Code Ann. § 3-2-25(i); W. Va. Code Ann. § 3-2-27(e).

⁴⁹ H.R. 1, Title I, Subtitle H.

⁵⁰ W. Va. Code Ann. § 3-3-3(a).



applications to all registered voters at least 60 days before Election Day.⁵¹ West Virginia currently allows voting by mail only for enumerated reasons.⁵²

- Mandates that West Virginia provides secure drop boxes (at least one per 20,000 registered voters per county) for mail-in ballots for 45 days preceding an election.⁵³ West Virginia law does not currently require drop boxes, and in 2020 the Secretary of State argued that West Virginia law prohibited their use.⁵⁴
- Requires West Virginia count mail-in ballots received up to ten days after Election Day if postmarked on or before Election Day.⁵⁵ West Virginia currently allows the counting of absentee ballots postmarked on or before Election Day and received by the counting board before the board convenes to begin the canvass, which is five days (excluding Sunday) after Election Day.⁵⁶ Absentee ballots that are not postmarked must be received no later than the day after the election.⁵⁷
- Requires West Virginia to begin processing early voter ballots at least 14 days prior to the date of the election involved.⁵⁸ West Virginia currently does not allow the processing of absent voter ballots until the polls close on Election Day.⁵⁹

Protecting & Expanding Ballot Access

⁵¹ H.R. 1, Title I, Subtitle I.

⁵² W. Va. Code Ann. § 3-3-1. West Virginia broadly allowed no-excuse absentee voting by mail in 2020 due to the Covid-19 pandemic, but does not generally allow no-excuse absentee voting by mail.

⁵³ H.R. 1, Title I, Subtitle N, Part 1.

⁵⁴ The Center for Public Integrity, "In West Virginia, One Barrier to Voting Removed, Other Stumbling Blocks Still in Place," (Oct. 12, 2020), available at <https://publicintegrity.org/politics/elections/us-polling-places/in-west-virginia-one-barrier-to-voting-removed-other-stumbling-blocks-still-in-place/>; Diane Mufson, Letter to the Editor, The Herald-Dispatch, "Diane Mufson: WV Needs Drop Boxes for Mail-in Ballots," (Sept. 24, 2020), available at https://www.herald-dispatch.com/opinion/diane-mufson-wv-needs-drop-boxes-for-mail-in-ballots/article_2a06e762-414d-502e-ae96-7b03e3a7546b.html.

⁵⁵ H.R. 1, Title I, Subtitle I.

⁵⁶ W. Va. Code Ann. § 3-3-5(g)(2); id. § 3-6-9(a)(1).

⁵⁷ W. Va. Code Ann. § 3-3-5(g)(1).

⁵⁸ H.R. 1, Title I, Subtitle I.

⁵⁹ W. Va. Code Ann. § 3-6-6(a).



- Makes Election Day a federal holiday.⁶⁰ West Virginia currently requires employers to give three hours off to vote.⁶¹
- Requires West Virginia to take steps to ensure that voters need not wait more than 30 minutes to vote.⁶² Reliable data regarding the statewide average wait time in West Virginia is not readily accessible, but there were reports of long lines on the first day of early voting in the 2020 general election.⁶³
- Requires notice of polling-place relocations at least seven days before Election Day.⁶⁴ West Virginia currently has no such notice requirement.
- Requires that voters may submit sworn affidavits to demonstrate eligibility to vote in lieu of government-issued identification.⁶⁵ Since 2018, West Virginia has required one of an enumerated list of forms of identification (or an affidavit from an adult who has known the voter for at least six months) in order to receive a ballot.⁶⁶
- Requires that provisional ballots from eligible voters in the wrong precinct or polling place still be counted for those races in common with the correct precinct. West Virginia currently requires that voters casting a provisional ballot to be warned that if they are casting a ballot in the wrong precinct, their vote may not be counted.⁶⁷
- Precludes challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Prohibits challenges on Election Day other than by an election official and requires a challenger to submit an affidavit of good cause based on personal knowledge. West Virginia law currently permits challenges without personal knowledge or an affidavit and by voters and political party chairmen in addition to election officials. West Virginia criminalizes certain frivolous challenges.⁶⁸

⁶⁰ H.R. 1, Title 1, Subtitle N, Part 1.

⁶¹ W. Va. Code Ann. § 3-1-42.

⁶² H.R. 1, Title I, Subtitle N, Part 1.

⁶³ See, e.g., Associated Press, "West Virginia residents pack polling places for early voting," (Oct. 21, 2020), available at <https://apnews.com/article/election-2020-virus-outbreak-elections-west-virginia-voting-2020-dd9b94c4e93ef41c0abd9a8bfc51b73c>.

⁶⁴ H.R. 1, Title I, Subtitle N, Part 1.

⁶⁵ H.R. 1, Title I, Subtitle N, Part 1.

⁶⁶ W. Va. Code Ann. § 3-1-34(a)(3), (5).

⁶⁷ Title I, Subtitle G; W. Va. Code Ann. §§ 3-1-20, 3-1-41.

⁶⁸ H.R. 1, Title I, Subtitle C; W. Va. Code Ann. § 3-1-41(g); W. Va. Code Ann. § 3-2-28; W. Va. Code Ann. § 3-9-7.



- Entitles voters to notice and a meaningful opportunity to cure any signature discrepancies in connection with voting by mail.⁶⁹ West Virginia currently does not provide any opportunity to cure a defect in an absentee ballot. Any voter, either in-person or absentee, may be challenged based on a discrepancy from the signature in the poll book. Such voters may vote on an official ballot, which will be marked as challenged and processed with provisional ballots. Voters do not receive notice of a rejection of their ballot but are provided with information on how to find out if their ballot was accepted or rejected.⁷⁰

Restoring Civil Rights

- Requires West Virginia to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility. West Virginia currently requires the automatic cancelation of voter registrations for any citizen convicted of a felony. The citizen may not apply to re-register until their “sentence is complete, which includes being ‘off papers’ for any period of parole or probation” and “is no longer subject to any conditions or restrictions as part of their parole or probation.” Persons in jail for a misdemeanor conviction may register and vote while in jail.⁷¹

Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.⁷²
- Prohibits the U.S. Postal Service from making operational changes that would slow the delivery of voting materials in the 120-day period before an election.⁷³

⁶⁹ H.R. 1, Title I, Subtitle I.

⁷⁰ W. Va. Code Ann. § 3-1-41(b).

⁷¹ H.R. 1, Title I, Subtitle E; W. Va. Code Ann. § 3-1-3; W. Va. Code Ann. § 3-2-2; West Virginia Secretary of State, Brochure, “You Have the Right to Vote in West Virginia Once You Complete Your Sentence,” available at <https://sos.wv.gov/FormSearch/Elections/Voter/Felon%20Voting%20Rights.pdf> (last accessed May 2, 2021).

⁷² Amendment 5 to H.R.1, Part B.

⁷³ H.R. 1, Title I, Subtitle I.



- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.⁷⁴
- Permits the security of drop boxes through remote or electronic surveillance.⁷⁵
- Allows voters to check for errors and requires a paper ballot count for recounts.⁷⁶ West Virginia currently requires all direct-recording electronic voting machines to generate a paper copy of each voter's vote, which the voter may examine visually or through headphone readout and accept or reject the copy.⁷⁷ West Virginia also allows certain uniformed service and overseas voters and voters with physical disabilities to vote an electronic absentee ballot.⁷⁸

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the West Virginia legislature draws congressional districts with no public input requirement. H.R.1/S.1 would do the following:
 - Requires West Virginia to set up an independent commission to draw federal congressional districts, which must take public input and operate in an open, transparent process.⁷⁹ There are multiple redistricting commission bills pending before the West Virginia legislature, but under current law, redistricting is performed by the Legislature, subject to the veto by the Governor.
 - Prevents one party from dominating the process or excluding minority groups and takes map-drawing away from politicians.⁸⁰
 - Requires consideration of "communities of interest" when drawing congressional districts.⁸¹
 - Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting

⁷⁴ Amendment 27 to H.R.1, Part B.

⁷⁵ Amendment 9 to H.R.1, Part B.

⁷⁶ H.R. 1, Title I, Subtitle F.

⁷⁷ W. Va. Code Ann. § 3-4A-9(12).

⁷⁸ W. Va. Code Ann. § 3-3-1(c).

⁷⁹ H.R. 1, Title III, Subtitle E.

⁸⁰ *Id.*

⁸¹ *Id.*



history in drawing districts (but not in evaluating them for partisanship).⁸² The West Virginia Constitution imposes certain additional requirements on redistricting, which are to be adhered to the greatest extent possible without conflicting with federal law.⁸³

- Counts incarcerated West Virginians as residents of their home community for purposes of representation, ending prison gerrymanders.⁸⁴

⁸² *Id.*

⁸³ See W. Va. Const. Art. 1, § 4; *id.* at Art. 6, § 4; W. Va. Code Ann. § 1-2-1(c).

⁸⁴ H.R. 1, Title III, Subtitle E.

Wisconsin

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Wisconsin that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R. 1—including those relating to universal mail-in voting and online registration—already exist in some form in Wisconsin. Other requirements, such as those relating to early voting and partisan gerrymandering, would more fundamentally change Wisconsin’s procedures for conducting federal elections. However, key provisions in the bill are effectuated through amendments to the National Voter Registration Act (NVRA), which leaves Wisconsin and five other states exempt from several of the bill’s new protections.⁸⁵

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Wisconsin:

Mandating Secure, Accessible Early Voting & Absentee Voting

- Requires the state to provide voters the option of voting early for a full 15 days before an election, including opportunities before and after business hours, on weekends, and

⁸⁵ Wisconsin is currently exempt from the requirements of the NVRA, 52 U.S.C. §§ 20501, et seq., often called the Motor-Voter Act. The NVRA’s requirements apply to all states except those that either a) have no voter registration requirement for federal elections, or b) allow election-day registration at the polling place. These exemptions apply only if the relevant state law was in place when the NVRA was passed and has remained in effect continuously since. Wisconsin is one of five states with continuous election-day registration. North Dakota does not require voter registration for federal elections.

on the day before Election Day.⁸⁶ Wisconsin currently has in-person absentee voting,⁸⁷ with days and hours set by local clerks, limited to no earlier than 14 days before an election, and ending no later than the Sunday before election day.⁸⁸

- Protects the distribution of applications for absentee ballots and voter registration.⁸⁹
- Establishes a ballot tracking system, so voters can follow their ballot's status through the voting and counting process.⁹⁰
- Eliminates discriminatory witness signature requirements.⁹¹ Currently, Wisconsin law requires the signature of a witness, who must be an adult U.S. citizen, on the absentee return envelope.⁹²
- Establishes more options to obtain absentee ballots for disabled, overseas, and military voters.⁹³
- Deems ballots postmarked by Election Day valid and must be counted, if delivered to election officials up to ten days after the election.⁹⁴ Current Wisconsin law requires ballots be received by the clerk, and in most municipalities also distributed to the voter's precinct, before polls close on election day.⁹⁵
- Requires secure drop boxes must be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.⁹⁶ In 2020, drop boxes were available in some (but not all) Wisconsin municipalities, and their use was subject to significant litigation and contest, though their legality was ultimately

⁸⁶ H.R. 1, Title I, Subtitle H.

⁸⁷ "In-person absentee voting" and "early voting" both allow voters an opportunity to fill out a ballot, at a polling place, before election day. While Wisconsin's "in-person absentee" voting is colloquially referred to as "early voting," it is legally distinct. An elector voting in-person absentee requests an absentee ballot at the polling place immediately before casting their (absentee) ballot, which is held by the clerk and delivered to their polling place (or central count) on election day. See Wis. Stat. § 6.88 That absentee ballot can then be challenged on election day.

⁸⁸ Wis. Stat. § 6.86(1)(b) (beginning at the second sentence).

⁸⁹ H.R. 1, Title I, Subtitle I.

⁹⁰ H.R. 1, Title I, Subtitle I.

⁹¹ H.R. 1, Title I, Subtitle I.

⁹² Wis. Stat. § 6.87(4)(b)1.

⁹³ H.R. 1, Title I, Subtitle J.

⁹⁴ *Id.*

⁹⁵ Wis. Stat. § 6.87(6).

⁹⁶ H.R. 1, Title I, Subtitle N, Part 1.

vindicated.⁹⁷ A proposal currently before the legislature would severely limit the use of drop boxes, allowing only one per municipality and requiring it be at the municipal clerk's permanent office.⁹⁸

- Mandates drop-box sites also have clearly posted information to help voters track ballots and make sure their vote is counted.⁹⁹

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹⁰⁰
- Requires Wisconsin to take steps to ensure that voters do not wait more than 30 minutes to vote.¹⁰¹ While the statewide average wait time in Wisconsin has traditionally been below 30 minutes, in some neighborhoods voters waited in hours-long lines during the 2020 primary and general elections.¹⁰²
- Mandates that changes to polling place locations be announced seven days before Election Day.¹⁰³
- Prohibits challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Requires that challenges to voters (or registrations) be based on personal knowledge about the issue and be sworn to under penalty of perjury.¹⁰⁴ Currently Wisconsin allows challenges by any other elector, who need not have first-hand knowledge of the challenged voter's ineligibility.¹⁰⁵

⁹⁷ See, e.g., *Mueller v. Jacobs*, No. 2020AP1958-OA (Wis. Sup. Ct.) and *Trump v. Wis. Elections Comm'n*, Case No. 20-cv-1785-BHL (E.D. Wis. Dec. 12, 2020).

⁹⁸ Wisconsin 2021 LRB-1585 (circulating for co-sponsorship, February 2021).

⁹⁹ H.R. 1, Title I, Subtitle N, Part 1.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² See, e.g., Corrine Hess and Megan Hart, "Wisconsin Polls Close but Hundreds of Voters Remain in Line," *Wisconsin Public Radio*, April 7, 2020, available at <https://www.wpr.org/wisconsin-polls-close-hundreds-voters-remain-line>, and C. Stewart III, S. Ansolabehere, "Waiting in Line to Vote," *U.S. Election Assistance Commission*, July 28, 2013, available at <https://www.eac.gov/documents/2017/02/24/waiting-in-line-to-vote-white-paper-stewart-ansolabehere>.

¹⁰³ H.R. 1, Title I, Subtitle N, Part 1.

¹⁰⁴ H.R. 1, Title I, Subtitle C.

¹⁰⁵ Wis. Stat. § 6.48; Wis. Stat. § 6.925.



Creating Alternatives to Wisconsin’s Draconian “Voter ID” Law

- Requires that voters who are already registered be able to provide a sworn written statement on a state form, confirming their identity and eligibility to vote in the election,¹⁰⁶ in contrast to Wisconsin’s current law, which requires registered voters to present a compliant photo ID (one meeting several specific requirements) every time they vote at the polls.¹⁰⁷
- Mandates that no ID be required to request an absentee ballot for registered voters, who may provide a signature instead,¹⁰⁸ in contrast to current Wisconsin law requiring registered voters to submit photo ID to request an absentee ballot (except in limited circumstances).¹⁰⁹

Restoring Civil Rights

- Requires Wisconsin to restore civil rights to people with felony convictions once they are released from prison and to offer voter registration materials upon eligibility.¹¹⁰ Currently, Wisconsinites with felony convictions can vote only after they have completed their probation and/or parole.¹¹¹

Strengthening Election Security & Trust in Elections

- Requires clerks to begin processing mail-in ballots received during the early voting period, as opposed to current law, which provides that the pre-canvassing process can begin no earlier than 7:00 a.m. on Election day.¹¹² This will reduce the kinds of delays that were exploited in 2020 to spread distrust in the Wisconsin counting process.
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.¹¹³

¹⁰⁶ H.R. 1, Title I, Subtitle N, Part 1.

¹⁰⁷ Wis. Stat. § 5.02(6m), (16c) and § 6.79(2)(a).

¹⁰⁸ H.R. 1, Title I, Subtitle I.

¹⁰⁹ Wis. Stat. § 6.86(1)(ac) and § 6.87(1), (4)(b)2-3.

¹¹⁰ H.R. 1, Title I, Subtitle E.

¹¹¹ Wis. Stat. § 6.03(1)(b) and § 304.078(3).

¹¹² H.R. 1, Title I, Subtitle I; 25 P.S. § 3146.8.

¹¹³ Amendment 5 to H.R.1, Part B.



- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120-day period before an election.¹¹⁴
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.¹¹⁵
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.¹¹⁶
- Permits the security of drop boxes through remote or electronic surveillance.¹¹⁷

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature crafts congressional districts in Wisconsin. It can do so for partisan advantage or to favor incumbents. There is no public input requirement.¹¹⁸ H.R.1/S.1. would do the following:
 - Requires Wisconsin to set up an independent commission to draw federal congressional districts, which must take public input and operate an open, transparent process.¹¹⁹
 - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.¹²⁰
 - Requires consideration of “communities of interest” when drawing congressional districts.¹²¹
 - Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).¹²²

¹¹⁴ Amendment 26 to H.R.1, Part B.

¹¹⁵ Amendment 27 to H.R.1, Part B.

¹¹⁶ H.R. 1, Title I, Subtitle F.

¹¹⁷ Amendment 9 to H.R.1, Part B.

¹¹⁸ There are no statutory or constitutional provisions for congressional redistricting in Wisconsin. The process is governed by court and procedural precedents, including U.S. Supreme Court holdings that districts must absolutely equal in population, and be enacted into law following the same process as any bill.

¹¹⁹ H.R. 1, Title III, Subtitle E.

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*



- Counts incarcerated Wisconsinites as residents of their home community for purposes of representation, ending Wisconsin's prison gerrymanders.¹²³
- Requires an independent commission draw congressional maps for the 2021 redistricting cycle, no later than November 15, 2021. Authorizes a federal court to draw the maps if not finalized by December 15, 2021.¹²⁴ (This does not impact the process for state legislative or local redistricting.).¹²⁵

Because of its exemption from the NVRA, Wisconsin misses out on:

- Pre-registration of 16- and 17-year-olds to vote immediately upon turning 18.
- Voter purge protections included in H.R.1/S.
- Automatic Voter Registration across state agencies, including at the DMV.

Wisconsin could also be denied some of the benefits of H.R.1/S.1 because provisions establishing grant eligibility and requiring emergency planning do not limit state legislative intervention. In Wisconsin, future state laws could prohibit municipalities or state election officials from applying for, or receiving, federal funds to support voting. The state legislature could also block the implementation of an "election contingency plan" required by H.R.1/S.1 in the face of a natural disaster or public health crisis. While H.R.1/S.1 requires the drafting and updating of such a contingency plan, it does not currently allocate any power to election officials to implement this plan in the event of a crisis. In Wisconsin, the plan's components could be tied up in court, or reversed by the legislature, without explicit federal authority to execute such a plan.

¹²³ Id.

¹²⁴ H.R. 1, Title III, Subtitle E.

¹²⁵ H.R. 1, Title III, Subtitle E, Part 4.