



## H.R. 1 and S.1, the “For the People Act of 2021”

*“A wolf in sheep’s clothing”*

This legislation –**791 pages** – is a monstrous federal takeover of elections and an assault on the First Amendment.

Speaker Pelosi will push it hard in the House of Representatives, as was done in the last Congress. It is sponsored by the Speaker and Representatives Sarbanes (D-MD) and Lofgren (D-CA). It’s companion bill in the Senate is S.1, which sponsored in the last Congress by New Mexico Senator Udall and 46 of his Democrat colleagues.

Leading conservative and Americans For Tax Reform Founder and President Grover Norquist characterizes the threat this legislation poses to your freedom and liberty in this way:

**“Congressional Democrats have a plan to forever keep Republicans from winning elections and influencing policy decisions with H.R. 1 in the House, and the similar S. 1 in the Senate. They want to empower the government to police more speech, force states to allow vote-by-mail and taxpayer funding of candidates, and silence Americans through fear by exposing their support for issue groups.”**

The legislation is carefully written to appear sensible but deceives in its effort to assert federal control over voting in our respective states and to build a government record of your exercise of your right of free political speech.

The following lists the “Egregious Components” of the legislation, followed by a more detailed enumeration of the many provisions.

### **The Egregious Components**

#### **Federal Elections Takeover and Thereby a Takeover of the States Elections**

- ▶ Inherently forces state and local elections conformity if during a federal election year.
- ▶ Undermines state’s election oversight, like efforts to clean up old voter rolls.
- ▶ Prohibits requiring a state voter ID to obtain a mail-in ballot and permits individuals to sign a



sworn statement as to their identify in lieu of an official ID.

- ▷ Virtually eliminates any restrictions on vote-by-mail.
- ▷ Imposes substantial requirements upon states to report on their respective compliance with highly detailed procedures and requirements in the statute.
- ▷ Requires states to offer online registration.
- ▷ Requires states to allow same-day registration and voting.
- ▷ Requires “automatic” voter registration by the state of those who would otherwise be eligible to register to vote.
- ▷ Indirectly permits “voter harvesting” by making it criminal to interfere with those assisting others to vote.
- ▷ Enables partisan control of the Federal Elections Commission by reducing the Commission from 6 to 5 members, thereby facilitating one party oversight of federal elections and campaign finance laws.
- ▷ Does not directly address, prohibit, and criminalize manipulative voter tally software, a hand count being the only option in discrepancy situations.
- ▷ Puts taxpayers on the hook for matching 600% of campaign contributions to subsidize candidates they may disagree with – a practice that has been rife with corruption.
- ▷ Contains Congressional Findings that DC deserves statehood, but does not enact such, forecasting the intent to create two more Democrat Senators in all likelihood.

## **First Amendment Assaults**

- ▷ Subjects citizens who contribute to nonprofit organizations to harassment and intimidation by making their personal information available in a searchable government database.
- ▷ Regulates speech by Americans about legislative issues by expanding the definition of “electioneering communications” – historically limited to large-scale TV and radio campaigns targeted to the electorate in a campaign for office – to include online advertising that bears no relation to an election.
- ▷ Indiscriminately regulates groups that incidentally or occasionally advocate on federal judicial nominations and require those groups to broadly expose their donors.
- ▷ Forces groups to publicly identify their supporters on the face of the ads themselves.
- ▷ Increases regulation of the online speech of American citizens while purporting (and failing) to address the threat of Russian propaganda.



- ▶ Expands the universe of regulated online political speech by Americans beyond paid advertising to include communications on groups' or individuals' own websites and email messages.

## More Detail

### **Federal Elections Takeover – Inherently Forces State and Local Elections Conformity If During a Federal Elections Year**

- ▶ Requires paper ballot voting subject to both machine and hand count tabulations.
- ▶ Prohibits requiring a state voter ID to obtain a mail-in ballot and permits individuals to sign a sworn statement as to their identify in lieu of an official ID.
- ▶ Indirectly enables vote harvesting and bars any effort to intervene with those helping others to vote-- the “harvesters” – and imposes felony criminal penalties.
- ▶ Requires states to offer online voter registration, which has already been adopted in 39 states and the District of Columbia.
- ▶ Requires “automatic” voter registration by the state of those who would otherwise be eligible to register to vote-- eligible citizens who provide information to state agencies (including state departments of motor vehicles, public universities, and government agencies) would be automatically registered to vote unless they opt out of doing so.
- ▶ Authorizes 16- and 17-year-olds to pre-register to vote in advance of them becoming 18.
- ▶ Requires states to offer same-day voter registration for federal elections and permits voters to make changes to their registration at the polls.
- ▶ Requires states to hold early voting for 15 days prior to election day.
- ▶ Expands opportunities to vote by mail and would make Election Day a federal holiday
- ▶ Requires states to establish a system to allow applications to be electronically completed, submitted, and received by election officials, and to allow registered voters to electronically update their voter registration information.
- ▶ Restricts the practicing of voter-roll purges by limiting states' efforts to remove registered voters from the rolls and setting conditions for when they could do so.



- ▶ Requires states to obtain certain information before removing voters from the rolls, and
- ▶ Prohibits voter purges from taking place less than six months before an election.
- ▶ Requires elections officials to timely notify any voter tagged for removal from the rolls and give them an opportunity to contest the removal or seek reinstatement of their registration.
- ▶ Restores voting rights to felons who complete incarceration.
- ▶ Promotes voting access for individuals with disabilities, as well as for absent military and overseas voters.

### **First Amendment Restrictions, Particularly by Broadening Public Disclosure of Donors to Nonprofit Organizations – 501c4 and c6.**

- ▶ Subjects citizens who contribute to nonprofit organizations to harassment and intimidation by making their personal information available in a searchable government database. This mandate focuses public attention on the individuals and donors who support causes instead of on the messages communicated by those organizations, exacerbating the politics of division and personal destruction and further coarsening political discourse. This would have a considerable chilling effect on civic engagement and free speech.
- ▶ Polices speech by Americans about legislative issues by expanding the definition of “electioneering communications” – historically limited to large-scale TV and radio campaigns targeted to the electorate in a campaign for office – to include online advertising that bears no relation to an election. This will subject far more issue ads to burdensome disclaimer requirements, which will coerce groups into truncating their message and make some advertising, especially online, practically impossible.
- ▶ Indiscriminately regulates groups that incidentally or occasionally advocate on federal judicial nominations and require those groups to broadly expose their donors, even if those citizens had nothing to do with the groups’ speech about judicial nominees.
- ▶ Forces groups to publicly identify their supporters on the face of the ads themselves. Faced with the prospect of being inaccurately associated with what the law would consider

(unjustifiably, in many or most instances) “campaign” ads in FEC reports and disclaimers, many donors will choose not to give to nonprofit groups.

- ▶ Increases regulation of the online speech of American citizens while purporting (and failing) to address the threat of Russian propaganda.
- ▶ Expands the universe of regulated online political speech by Americans beyond paid advertising to include communications on groups’ or individuals’ own websites and email messages.
- ▶ Deters American citizens from serving their country through political appointments by forcing them to disclose their donations to causes they have supported in the past.

## **Election Security**

- ▶ Premised on the alleged Russian interference in the 2016 election with heavy emphasis on homeland security – does not mention domestic partisan interference.
- ▶ Requires a voter verified paper ballot provision mandating the use of paper ballots that can be marked by voters either by hand or with a ballot marking device and inspected by the voter to allow any errors to be corrected before the ballot is cast.
- ▶ Requires state officials to preserve paper ballots for recounts or audits, and to conduct a hand count of ballots for recounts and audits.
- ▶ Requires the voting machines used in all federal elections to be manufactured in the U.S and be operated in compliance with cyber security standards.
- ▶ Requires the Election Assistance Commission to inspect and conduct “risk limiting audits” of vendor- provided election hardware and software.
- ▶ Does not directly address, prohibit, and criminalize manipulative voter tally software, a hand count being the only option in discrepancy situations.

## **Campaign Finance Reform**

- ▶ Authorizes voluntary public financing for campaigns, matching small donations at a 6:1 ratio.
- ▶ Incorporates campaign finance reform provisions from the DISCLOSE Act, which would impose



stricter limitations on foreign lobbying,

- ▶ Requires super PACs and other “dark money” organizations to disclose their donors, premised on the laundering of foreign money.
- ▶ Restructures the Federal Election Commission to reduce partisan gridlock by reducing membership from 6 to 5 commissioners, thereby permitting partisan majority.
- ▶ Expresses support for a constitutional amendment to overturn Citizens United, in which the Supreme Court held that limits on independent political expenditures by corporations, labor unions, and other associations are unconstitutional.

## **Ethics**

- ▶ Requires the president and vice president, as well as presidential and vice-presidential candidates, to publicly disclose their previous 10 years of income tax returns.
- ▶ Eliminates the use of taxpayer money by members of Congress to settle employment discrimination claims, by requiring members of Congress to reimburse the Treasury for any such payments.
- ▶ Requires the Judicial Conference to establish rules of ethics binding on the Supreme Court of the United States, the only U.S. court without a binding canon of judicial ethics.
- ▶ Sets new disclosure rules and limitations on presidential inaugural committees, including:
  - ▷ Barring them from taking money from corporations;
  - ▷ Establishes a contribution limit to inaugural committees of \$50,000 per person (under current law, there is no limit);
  - ▷ Contributions of more than \$1,000 would have to be disclosed within one day; and
  - ▷ Use of funds donated to inaugural committees would be restricted only to use for inaugural events and for charitable contributions.

## **Statehood for the District of Columbia**

- ▶ Contains Findings relative to admitting the District of Columbia as a member of the Union while retaining a separate federal district comprising the Capitol Complex, White House, National Mall, and certain other federal areas.

## **Gerrymandering**

- ▶ Requires states to use independent commissions to draw congressional district lines, except in the seven states with only one congressional district.
- ▶ Requires the commissions to draw congressional district lines on a five-part criteria: (1) population equality, (2) compliance with the Voting Rights Act, (3) compliance with additional racial requirements (no retrogression in, or dilution of, minorities' electoral influence, including in coalition with other voters), (4) respect for political subdivisions and communities of interest, and (5) no undue advantage for any party.

## **Number of Federal Election Commissioners**

- ▶ Changes the FEC number of commissioners from six to five.
- ▶ Misleading requirement that no more than two can be members of the same political party – an impossibility, except when the chosen chair simply conveniently resigns from his/her political party.