



# Momentum Grows for Bold Democracy Reform

The For the People Act Is Poised To Become Law in 2021

By Michael Sozan February 10, 2021

The United States is the world's oldest democracy. However, as President Joe Biden noted in his inaugural address, democracy itself is precious and fragile.<sup>1</sup> The nation recently witnessed a deadly insurrection designed to stop the peaceful transition of presidential power, built on months of rampant disinformation about the election results. These challenges were compounded by the deadly COVID-19 pandemic, racial injustices aimed at Black Americans, rampant voter suppression, and a second impeachment of former President Donald Trump. In order to avoid a downward spiral into a political system unable to fairly represent the views of its citizens, far-reaching structural reforms are immediately needed to protect our democracy.

Recognizing that democracy reform is a foundational issue, the Democratic leaders in the U.S. House of Representatives and Senate are prioritizing passage of the For the People Act of 2021 (H.R. 1/S. 1), arguably the most consequential people-empowering legislation since the Civil Rights Act of 1965.<sup>2</sup> Not only would this sweeping set of structural solutions help Americans build trust in government, it would produce long-lasting change so that everyone, including Black and brown communities, has a meaningful shot at achieving the American dream.

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## Background on the For the People Act

In March 2019, the House passed the For the People Act before then-Majority Leader Mitch McConnell (R-KY) blocked the legislation in the Senate.<sup>3</sup> In the following two years, the imperative for democracy reform has only grown.

On January 6, 2021, the nation watched in horror as white supremacists and others in an anti-majoritarian mob, encouraged by Donald Trump and some Republican members of Congress, attacked the U.S. Capitol. Their objective was clear: to violently overturn the presidential election results by stopping Congress' constitutional tallying of electoral votes—and even killing lawmakers “if given the chance.”<sup>4</sup> This attempted coup, which resulted in the deaths of five people, including one Capitol police officer,

was built on months of lies and lawsuits from Trump and his allies, who claimed that Biden's victory was fraudulent, that voting irregularities predominantly plagued Black and brown communities, and that millions of votes should have been thrown out.<sup>5</sup>

Even Trump's own attorney general concluded that there was no evidence of widescale election fraud, and the government's top cybersecurity official determined that the 2020 election was the most secure in U.S. history.<sup>6</sup> Trump's incitement of insurrection resulted in the House impeaching him for an unprecedented second time, with House impeachment managers stating that his misconduct was "a betrayal of historic proportions" and Rep. Liz Cheney (R-WY), a senior Republican leader in the House, concluding that "there has never been a greater betrayal by a President of the United States of his office and his oath to the Constitution."<sup>7</sup>

Trump's insurrection was a full-scale refusal by anti-democracy forces to relinquish their power to a racially diverse electorate yearning for a competent and inclusive government. Although unprecedented, this constitutional crisis was the culmination of decades of structural decay, where factors such as secret "dark money" spending; outsize influence over policymaking by wealthy special interests; voter disenfranchisement; partisan and racial gerrymandering; foreign interference; and rampant corruption have rigged the system against hardworking families and small businesses.

Sadly, election disinformation and the insurrection were not the only crises that the nation simultaneously faced. For the past year, the United States has been gripped by the COVID-19 pandemic, resulting in nearly half a million American deaths and an economic collapse.<sup>8</sup> The pandemic was thoroughly mismanaged by a corrupt president, while large corporations and wealthy donors gamed the government's relief program.<sup>9</sup> Predictably, in all states—whether governed by Democrats or Republicans—the pandemic's harsh effects have fallen predominantly on communities of color and front-line workers.<sup>10</sup>

Quite remarkably, despite the pandemic and voter suppression, the 2020 election saw an expanded electorate and record-high turnout equaling 66.5 percent of eligible voters.<sup>11</sup> Two-thirds of Americans cast their ballots early, with approximately 46 percent of voters doing so safely by mail—even though President Trump waged a months-long effort to undermine the U.S. Postal Service in order to make it harder to deliver mail-in ballots.<sup>12</sup> And despite flagrant lies by Trump and his allies, as noted above, the election was fair and secure, with no evidence of widespread fraud—a testament to election administrators and a phalanx of new poll workers, many of whom endured death threats for simply doing their jobs.<sup>13</sup>

Regrettably, under the continued guise of election malfeasance, legislators in several states are continuing a centuries-long history of trying to pass laws that make it harder for Black communities and other communities of color to vote, whether by intent or impact.<sup>14</sup> With more than 165 voter suppression bills already filed in the past several weeks, these state legislators are accelerating and deepening their attacks on a multiracial democracy, racing to see these reforms put into place before the 2022 elections.<sup>15</sup>

The fight for racial justice was also on the march in 2020.<sup>16</sup> Millions of peaceful protesters participated in a mass multicultural movement demanding an end to police brutality aimed at Black people.<sup>17</sup> These protests also involved a push to reorient the U.S. political system so that Black people can receive fairer representation in government.<sup>18</sup> The death of Rep. John Lewis (D-GA), a civil rights icon who authored key parts of the For the People Act, only added urgency to this movement.<sup>19</sup>

After this tumultuous period, everyday Americans continue to have little trust that government can address their problems.<sup>20</sup> They want strong structural solutions to strengthen democracy and cut through the lack of government responsiveness, corruption, and systemic inequality that can make them feel powerless at the expense of wealthy special interests.<sup>21</sup> People understand that unless Congress enacts reforms that allow hardworking families, including people of color, to exercise their political power, lawmakers stand little chance of passing commonsense policies that people prioritize, such as accessible health care, an increased minimum wage, racial justice, and more. For example, the Center for American Progress has explored how the anti-democratic political system vests far too much power in corporate polluters and wealthy special interests who thwart policies designed to make air and water cleaner for future generations.<sup>22</sup>

In the 2020 election cycle, candidates nationwide, including Joe Biden, ran on a platform of bold democracy reform.<sup>23</sup> And voters responded, electing Biden as president, flipping the Senate to Democratic control, and allowing Democrats to keep control of the House. Now, Congress is poised to pass the For the People Act, once-in-a-generation democracy reform legislation. Along with it, Congress should enact the John Lewis Voting Rights Advancement Act (H.R. 4)<sup>24</sup> and D.C. statehood (H.R. 51/S. 51).<sup>25</sup> As Rep. John Sarbanes (D-MD), the primary sponsor of H.R. 1, recently observed, “This moment might be our last opportunity to shore up American democracy and prevent it from sliding further into a state of chaos, dysfunction, and billionaire-fueled minority rule.”<sup>26</sup>

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## The strong democracy reforms in the For the People Act

The For the People Act contains scores of pro-voter, anti-corruption solutions designed to give power to people, including communities of color, and to strengthen the foundations of U.S. democracy. Various resources provide detailed summaries of the legislation’s vast policy prescriptions, many of which have deep bipartisan roots.<sup>27</sup> In summary, these policies are organized under three pillars:

1. **Establish uniform rules to protect and expand the right of all eligible Americans to securely vote and be fairly represented.** This includes policies that would end partisan gerrymandering by requiring independent commissions, instead of politicians, to draw districts;<sup>28</sup> ensure automatic voter registration and same-day registration;

expand early voting and voting by mail; give states much-needed resources to conduct secure elections; prohibit inappropriate voter roll purges; prevent foreign entities from interfering in elections; and support related bills that would update the Voting Rights Act and make Washington, D.C., a state.

2. **Reduce the corrupting influence of wealthy special interest money—and amplify small-dollar donations—so that lawmakers are incentivized to work on behalf of everyday Americans.** The centerpiece policy establishes a new federal matching system for small-dollar donations, modeled on successful systems around the nation, that would give everyday Americans more voice in electing lawmakers while making it easier for a diverse range of candidates to run for public office. Other policies include requiring far greater political spending disclosure, strengthening online political ad disclosures, tightening super PAC rules, and restructuring the Federal Election Commission so that the agency can robustly enforce election laws.
3. **Enact tough new ethics laws so that government officials work in the best interests of the American people.** Solutions include broadening conflict of interest laws, requiring top officials to take commonsense steps to divest from their financial holdings, slowing the revolving door between government service and the private sector, requiring presidents to disclose their tax returns, preventing members of Congress from sitting on corporate boards, and giving the U.S. Office of Government Ethics the tools it needs to actively enforce the law.

Notably, no taxpayer money would fund this legislation, including the small-donor matching program.<sup>29</sup> Instead, that program would be funded entirely by fines on corporate lawbreakers and wealthy tax cheats, like big banks and pharmaceutical giants.<sup>30</sup>

Taken as a whole, the reforms in the For the People Act would help prevent another attempt by anti-majoritarian forces who promote enmity, propaganda, and violence to steal power from a diverse American electorate.<sup>31</sup> For example, the legislation's independent redistricting commission provisions would lead to the election of more members of Congress who represent ideologically diverse and competitive districts, instead of districts where the only possibility of losing reelection comes from a primary challenge by a more ideologically extreme candidate.<sup>32</sup> Members elected from fairly drawn, voter-determined districts would be less likely to spread election lies and oppose peaceful transitions of power. Meanwhile, the legislation's campaign finance reforms would shine light on organizations and wealthy donors who secretly finance dangerous political events, such as Trump's January 6 rally in Washington, D.C., which precipitated the deadly insurrection.<sup>33</sup> The legislation's provisions that expand and protect every American's right to vote—and provide much-needed funding to states to secure their election systems—would vest power in people who have been shut out of the political system.

The bold solutions in the For the People Act would also implement structural changes to ease the deep racial inequalities that have riven the nation since its inception. A truly inclusive political system would tear down the barriers that have sidelined Black and brown Americans for far too long, giving them their rightful seat at the table. As noted above, the For the People Act contains a plethora of pro-voter policies that would empower communities of color. These include expanding accessible registration and voting options, eliminating discriminatory voter identification requirements, stopping inappropriate voter roll purges, restoring voting rights for justice-involved individuals, and requiring states to use independent redistricting commissions to draw fair congressional maps that better reflect communities of color. Beyond these provisions, the legislation's small-donor matching program would be groundbreaking, allowing more pathways for people of color to run for office and amplifying campaign donations to diverse candidates, thereby reducing the stranglehold that the wealthy donor class has on the political process.<sup>34</sup> These structural reforms are all the more urgent given the aggressive moves by many state legislators to make it harder for people of color to have their voices heard.

With reforms like these comes a real shot at rebalancing the system and reducing entrenched factions so that both major political parties respect democracy and are willing to engage in fact-based debates about the future of the nation.<sup>35</sup> Without reform, continued gerrymandering, dark money, voter suppression, and a host of other factors will continue to conspire to allow a minority of Americans to thwart the will of the majority, who want an inclusive and prosperous nation for everyone.<sup>36</sup> Examined from another angle, without reform, special interests and the best-connected will be able to preserve an unhealthy status quo and stop progress on policies that threaten their privileged status.

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## A strong path forward on the For the People Act

The For the People Act is well situated to be passed by Congress and signed into law this year. The legislation is already moving forward in the House and the Senate, where it almost certainly will garner majority support in each chamber. Moreover, President Biden, who has prioritized making the federal government more responsive to the needs of people, supports the democracy reform movement and would almost certainly sign the legislation into law, ushering in an era of inclusive and responsive government. And popular support for democracy reform continues to grow nationwide, with states and localities taking action to return power to people.

### House of Representatives

On January 4, 2021, House Democrats, under the leadership of Speaker Nancy Pelosi (D-CA), Rep. Zoe Lofgren (D-CA), and Rep. John Sarbanes (D-MD), filed an updated version of the For the People Act.<sup>37</sup> Just as Speaker Pelosi did in the prior Congress, she designated this sweeping legislative package as H.R. 1, the session's first bill; in fact, she called H.R. 1 "exalted" legislation that is "central to the integrity of our government."<sup>38</sup> Just as two years earlier, when the For the People Act passed overwhelmingly with every Democrat supporting it, the legislation is again expected to pass in early 2021.<sup>39</sup>

Although no Republican members of the House voted to pass the For the People Act two years ago, it remains possible that some may vote favorably this year. Especially after the violent riot that endangered the lives of all members of Congress, and with voters of all political stripes demanding democracy reform, some congressional Republicans may now recognize the strong merits of this essential legislation.

### Senate

On January 19, 2021, new Senate Majority Leader Charles Schumer (D-NY) announced that he, too, would give preeminent status to the For the People Act, designating the legislation as S. 1.<sup>40</sup> The package's primary sponsor this year will be democracy reform champion Sen. Jeff Merkley (D-OR). Two years ago, every member of the Senate Democratic caucus co-sponsored the bill, and the same is expected this year.<sup>41</sup> The legislation will likely receive hearings in the U.S. Senate Committee on Rules and Administration, chaired by Sen. Amy Klobuchar (D-MN).<sup>42</sup> Leader Schumer has stated that the reform package is a top priority for passage, despite opposition from Minority Leader McConnell.<sup>43</sup> It remains to be seen whether the legislation will attract enough Republican support to overcome a possible filibuster; whether the Senate will modify or abolish the filibuster, a procedural tool often abused to thwart popular legislation such as this;<sup>44</sup> or whether the package can be passed via another route.

### Executive branch

President Biden has been a vocal advocate for strengthening democracy.<sup>45</sup> In fact, he has already taken actions toward this goal. On his first day as president, Biden issued a robust executive order establishing tough ethics rules for executive branch personnel so that they act in the public interest instead of their own interests.<sup>46</sup> He also announced that none of his family members would be allowed any say in government decisions, which stands in stark contrast to the prior administration.<sup>47</sup> Moreover, as confirmed by this author, the new administration has created a position within the White House Domestic Policy Council to oversee democracy reform policy, a prior recommendation by CAP.<sup>48</sup>

### States and localities and popular support

The reforms in the For the People Act are extremely popular among wide swaths of voters, resulting in transformative democracy solutions at the state and local levels.<sup>49</sup> Although state and local lawmakers do not enjoy a direct role in passing democracy reform at the federal level, passage of state and local reforms sends a strong signal to Congress that people want bold structural changes to strengthen the political system.

For example, in 2020, multiple states passed necessary updates to voting laws so that people had several options to safely and securely vote during the COVID-19 pandemic.<sup>50</sup> Seattle enacted bold legislation to stop political spending by foreign-influenced U.S. corporations.<sup>51</sup> And Virginia passed a set of reforms to make voting more accessible, while also establishing a bipartisan redistricting commission.<sup>52</sup>

Grassroots support for democracy reform has burgeoned in the past few years, especially after the racial justice protests of 2020. For instance, more than 180 organizations—representing millions of Americans nationwide—are now members of the Declaration for American Democracy, a historic coalition pushing for widescale democracy reform.<sup>53</sup> Effective societal change depends on motivated grassroots supporters, who undoubtedly will continue to play indispensable roles in the journey toward sweeping structural reforms.

Meanwhile, editorial boards from newspapers around the nation have called for Congress to pass people-powered structural reforms, signaling their popularity in communities that want to build a resilient democracy.<sup>54</sup>

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## Conclusion

America's democracy hangs in the balance after a series of national crises. Systemic lies about the presidential election results and the deadly insurrectionist attempt to stop the peaceful transition of power showed just how fragile our democracy is. These events also revealed how far some political leaders will go to corrupt the government and hang onto power in defiance of the popular will. The COVID-19 pandemic and the racial justice movement further illustrate the stark disparities faced by communities of color and other historically marginalized communities, whose voices are too often minimized by voter suppression, gerrymandering, special interest money, and many other anti-democratic rules.

But transformative democracy reform is on the verge of becoming a reality, propelled by the demands of everyday Americans who have been shut out for far too long. The For the People Act represents a once-in-a-generation opportunity for Congress to overhaul the corrupt political system so that it is just, is inclusive, and fairly represents the priorities of all Americans. Congress is finally poised to take a giant step toward restoring trust in government and building a resilient democracy that can tackle the long-term challenges our nation faces.

*Michael Sozan, a former chief of staff in the U.S. Senate, is a senior fellow at the Center for American Progress.*

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