

HARRIS ON VOTING RIGHTS

Increase Voting Access, Decrease Voting Discrimination, And Strengthen Democracy

If elected president, Democratic nominee Kamala Harris will likely build on her past record and campaign promises to champion measures that would increase voting access and fair representation, prevent discriminatory voting laws, and ultimately strengthen our democracy.¹ Should Harris prevail in securing the presidency, it will be in the face of aggressive efforts by the Donald Trump campaign to purge votes and influence election outcomes. Given this reality, the state of play of our voting systems will likely be battered in critical jurisdictions by partisan jockeying. President Harris will need to shore up systems and policies adversely affected in the run-up to her presidency. The ACLU will work on all fronts to make certain a Harris presidency builds on her pro-voting record and lives up to her campaign promise to increase access to voting and protect our democracy.

Vice President Harris has promised to push for passage of essential federal voting rights protections, including the John Lewis Voting Rights Advancement Act (JLVRAA), the Freedom to Vote Act (FTVA), and the Native American Voting Rights Act (NAVRA).² At a time when the integrity of our electoral systems is under assault from hostile state legislators and election officials through voter suppression measures and redistricting schemes that discriminate against voters of color, Harris has committed to upholding the U.S. Constitution, protecting our democracy, and honoring voters' choices regardless of electoral outcome.³

This memo focuses on three areas that a Harris administration would likely work to expand and protect voting rights and fair representation. First, a Harris administration must use the bully pulpit of the presidency to press for federal policies that advance voting access, eliminate racial discrimination in voting, and strengthen our electoral processes. While the passage of federal legislation ultimately depends on Congress, if elected, Harris is responsible for delivering on her promise to advance

voting rights by calling for robust federal protections starting on day one of her administration and demanding that Congress act swiftly and boldly. A Harris presidency must champion foundational federal voting rights legislation like the JLVRAA, the NAVRA, and core provisions of the FTVA; demand that our elections are properly funded; and work to create other opportunities to enact other vital federal legislation that would combat racial discrimination in voting and promote representational fairness, like the Washington, D.C. Admission Act.⁴ A Harris Department of Justice (DOJ) should also prioritize voting rights by rigorously enforcing federal voting rights laws and increasing the DOJ's efforts to hold jurisdictions erecting illegal and discriminatory voting barriers accountable in the courts.

Second, a Harris presidency is likely to continue to implement Executive Order 14019 on Promoting Access to Voting.⁵ The Biden-Harris administration brought about historic federal policies to increase voter registration and education through Executive Order 14019, which encourages federal agencies to provide nonpartisan voter registration opportunities for all eligible citizens pursuant to longstanding federal law: the bipartisan National Voter Registration Act (NVRA).⁶ This groundbreaking executive order directs the federal government to live up to the NVRA's declaration that government at every level, including the federal government, has a duty to increase opportunities for all eligible Americans to register and vote.⁷ While the Biden-Harris administration has made laudable strides in implementing this visionary executive order, room for improvement remains.⁸ A Harris administration should push for the fullest and most expeditious implementation of this executive order across the federal government.

Third, a Harris administration is likely to build on the current administration's work supporting a successful, useful, and accurate 2030 Census.⁹ The next president's term overlaps with most of the years before the next

census in 2030, which will be used to determine the allocation of seats in Congress across states as well as the distribution of billions of dollars in public funding for the ensuing decade. A Harris administration should ensure

that the Census Bureau is equipped with the tools and resources to execute a successful and accurate count in 2030.

OVERALL RESPONSE

The ACLU will use every resource at our disposal — lobbying, organizing, litigation, the vast reach of our state affiliates and millions-strong membership — to ensure Harris builds on her pro-voting record and makes good on her campaign promise to increase access to voting and protect our democracy.¹⁰

Congress

If pro-democracy majorities are elected to Congress under a Harris administration, the ACLU will use every tool available to demand that Congress pass key legislation to protect and expand voter access. This includes: passing the JLVRAA,¹¹ which restores and strengthens the Voting Rights Act of 1965 (VRA),¹² to eliminate racial discrimination in voting; passing core provisions of the FTVA¹³ that remove barriers to voting; passing the NAVRA, which provides protections to the right to vote for tribal communities; and passing the Washington, D.C. Admission Act¹⁴ to grant D.C. statehood. To secure these legislative victories, the ACLU will double down on our coordinated effort to reform the filibuster,¹⁵ which has been used to block foundational pro-civil rights laws for far too long.

Federal Agency

Our federal advocacy will extend to federal agencies under a Harris administration. If Harris is elected, the ACLU will work to push all relevant federal agencies to continue implementing Executive Order 14019 on Promoting Access to Voting in the quickest, most effective manner possible. This includes federal agencies acting to implement effective voter registration opportunities by the Social Security Administration, U.S. Citizenship and Immigration Services, and the U.S. Department of Education (DE). Furthermore, the ACLU will work to ensure that the DOJ under a Harris presidency prioritizes the enforcement of federal voting right protections.

State and Local

Similarly, we will use our political power and presence in all 50 states to demand that state and local officials protect and strengthen voting rights through law, policy, and practice. We will fight to stop state measures that aim to restrict access to the ballot, including efforts to make it hard to register to vote, vote by mail, or vote early. We will utilize our extensive organizing resources to bolster efforts to implement voter access and modernization measures. This includes implementing same-day registration, automatic voter registration, no-excuse and permanent absentee voting, and state-level VRAs, as well as ending felony disenfranchisement.¹⁶ Furthermore, the ACLU will hold states accountable for upholding their shared duty to adequately and consistently fund local election administration, providing election officials with the significant resources required to safely and securely run elections and counter mis- and disinformation.¹⁷

Courts

The DOJ has the statutory authority to enforce the VRA¹⁸ as well as other federal statutory protections intended to safeguard the right to vote.¹⁹ The number of enforcement actions brought by the DOJ pales in comparison to the number of actions brought to enforce these protections by private litigants, including those brought by the ACLU. For example, a review of the DOJ's voting cases since the Supreme Court's *Shelby County v. Holder* decision in 2013²⁰ shows that the DOJ's voting section filed nearly a dozen cases in those 11 years. Meanwhile, the ACLU has initiated more than 110 new voting rights matters, including filing cases and opening investigations, in that same time span.²¹ Even putting aside the new legislation a Harris administration may see enacted, there is no good reason for less than robust enforcement by a Harris DOJ of the existing protections of the right to vote.

In addition to demanding that a Harris DOJ prioritize the enforcement of federal voting rights laws, we remain

poised to take action in the courts ourselves. The actions brought by the ACLU and others tee up opportunities for the DOJ to file statements of interest²² and act as intervenors²³ in cases brought by private litigants. As we observed following the elections of President Barack Obama²⁴ and President Joe Biden,²⁵ these wins, which were propelled by the growing voting strength of voters of color, have resulted in a backlash as state legislatures erected additional barriers to franchise. If Harris wins the presidency, we expect to see the same thing again. The vast majority of election administration — and the rules that govern access to the ballot — happen at the state

level. While the Constitution provides a floor for access to the right to vote,²⁶ and Congress can legislate concerning the conduct of elections,²⁷ states mostly control how federal, state and local elections are conducted. When states pass restrictive laws, like those that proliferated in the 2021 legislative sessions, we challenge those restrictions in the courts.²⁸ The ACLU is prepared to do the same should similar efforts follow the start of a Harris administration. If the JLVRAA, the NAVRA, or FTVA are enacted, we will leverage the restored and strengthened voting rights protections to intensify and expand our effort in the courts.

SPECIFIC OPPORTUNITIES

Enacting Federal Legislation To Expand Voting Access & Protect Democracy

A Harris administration must fiercely endeavor to enact foundational federal voting rights laws that prevent racial discrimination in voting, help ensure that every eligible voter can easily cast a ballot and have their votes count equally, and ultimately strengthen our democracy. Harris has suggested she is committed and equipped to push such a pro-democracy agenda. As vice president, Harris led the Biden-Harris administration's efforts to pass critical federal legislation protecting the right to vote, work that had majority support in Congress but was stymied by the filibuster.²⁹ She has also been the face of the Biden-Harris administration's pro-voting rights work, unveiling new efforts across federal agencies to offer nonpartisan voter registration opportunities as part of Executive Order 14019 on Promoting Access to Voting and announcing the White House's three national "days of action" to promote voting.³⁰ If elected, Harris has promised to champion efforts to advance critical voting legislation that has been repeatedly introduced across multiple congressional sessions — including the JLVRAA, FTVA, and the NAVRA. She is likely to continue efforts to end the denial of equal representation to D.C. residents and long-standing injustices related to people living in U.S. territories. The ACLU has long championed these reforms and would pull all our levers to secure legislative measures that protect or expand voting rights and safeguard democracy.

Critical Federal Voting Rights Legislation

Vice President Harris has consistently called for the passage of critical voting rights federal legislation, specifically the JLVRAA, the FTVA, and the NAVRA. In July 2024, Harris said in a campaign speech that "generations of Americans before us led the fight for freedom, and

now the baton is in our hands. It's in our hands. We, who believe in the sacred freedom to vote, will finally pass the John Lewis Voting Rights Act and the Freedom to Vote Act."³¹ Harris has also strongly voiced her support for the NAVRA, stating at a Gila River Tribal Nation event that "[Native American leaders have] told us in no uncertain terms that the Native vote is under threat. Polling sites are too often hours away from where Native voters live. Ballots and voter information are too often not available in languages they speak. Postal service is irregular. And the use of tribal IDs has been denied. President Biden and I will continue to call on Congress to pass the Freedom to Vote Act, the John Lewis Voting Rights Advancement Act, and the Native American Voting Rights Act."³² Based on this enduring commitment, we expect a Harris presidency to make passage of these three critical pieces of legislation a priority. Specifically:

- The **John Lewis Voting Rights Advancement Act**³³ would restore and strengthen the landmark federal VRA.³⁴ Signed into law by President Lyndon B. Johnson in 1965, the VRA is a monumental piece of legislation meant to end state and local voter suppression tactics designed to keep Black and Brown voters from casting ballots. For decades, the VRA not only protected Black, Brown, Indigenous, and other marginalized voters, but did so with virtually unanimous, bipartisan support.³⁵ However, in 2013, in *Shelby County v. Holder*, the Supreme Court struck down its core "preclearance" requirement, which directed jurisdictions with long records of racial discrimination in voting to obtain federal approval before changing their voting laws and practices.³⁶ As Justice Ginsburg famously predicted in her dissent, states immediately unleashed a torrent of voter suppression laws that disproportionately impacted voters of color and have continued to do so.³⁷ Indeed, the ACLU has filed or intervened in over 100 new cases since that time,³⁸ and discriminatory

anti-voter efforts continue to proliferate, including unnecessary restraints on voter registration, voter roll purges, cuts to early voting and vote by mail, documentary proof of citizenship requirements, and polling place closures.³⁹ Additionally, eight years after *Shelby*, the Supreme Court weakened another provision of the VRA — Section 2, a nationwide ban on voting practices that discriminate on the basis of race, color, or language — making it more difficult for voters to challenge discriminatory voting tactics.⁴⁰

- The **Freedom to Vote Act**⁴¹ is transformative legislation that contains essential voting access provisions that would set a wide range of much-needed national standards for federal elections. Among other critical reforms, the FTVA would:

- Expand automatic voter registration and require states to offer online and same-day voter registration, which would greatly improve registration rates and civic participation nationwide, while reducing administrative burdens and costs on election officials;
- Mandate at least two weeks of early voting and make no-excuse mail voting an option for everyone, which would drastically improve access to the franchise and help reduce congestion and wait times on Election Day;
- Create affirmative statutory protections for the constitutional right to vote in federal elections;
- Increase safeguards for marginalized populations, including voters with disabilities and those with prior felony convictions; and
- Set national standards to prevent partisan and racial gerrymandering, as well as protect against onerous photo identification requirements and more.

- The **Native American Voting Rights Act**⁴² is essential to protect Indigenous communities from discriminatory voting practices and address the unique barriers to voting that Native communities face. Native American voters have long been the targets of systematic discrimination, including the taking of land, the denigration of languages and cultures, the isolation of people on reservations, the denial of rights of citizenship, and efforts to remove or wipe out Indigenous peoples and tribes. The effects of this discrimination and subjugation continue. One consequence is a depressed socioeconomic status that limits the ability of tribal members to participate effectively in local, state, and national elections.⁴³ Compounded with the Supreme Court's

2021 decision in *Brnovich v. Democratic National Committee*, which makes it more difficult to challenge policies like restrictions on ballot return assistance that disproportionately harm Native voters in many states,⁴⁴ the NAVRA is needed now more than ever. Among other protections, the most recent version of the NAVRA, introduced in the 117th Congress, set out to address these barriers by:

- Authorizing up to \$10 million in federal funding annually⁴⁵ to support states, localities, and Native tribes' efforts to make voting more accessible for voters on Native lands;
- Requiring states to establish on-reservation polling and voter registration sites,⁴⁶ a provision seeking to address the prohibitive distances that tribal members are often forced to travel to cast a ballot, many times outside of their reservations; and
- Increasing voter access through allowing the use of tribal addresses to register to vote, increasing ballot drop boxes on tribal lands, requiring the acceptance of tribal IDs for voting, and mandating adequate language assistance for Indigenous communities.⁴⁷
- Ending anti-democratic and racially-discriminatory policies of exclusion in D.C. and U.S. territories

A Harris administration is likely to promote the long-overdue passage of the **Washington, D.C. Admission Act**,⁴⁸ granting D.C. statehood and bringing us closer to ending racial discrimination in voting and representation. In June 2020, Harris said on social media that “Washington, D.C. has 700,000+ residents — more than some states — but they are denied full representation in Congress. It’s time to grant D.C. statehood.”⁴⁹ D.C. residents pay federal and local taxes, just like anyone living in any other state, yet they are denied their civil right to representation in the federal government due to the District’s lack of statehood. Not only does D.C., which has a larger population than Wyoming and Vermont, lack voting representation in Congress,⁵⁰ Congress continues to vote to override the will of D.C. voters and residents by overturning D.C.’s local laws.⁵¹ The denial of equal voting and representation rights to roughly 700,000 D.C. residents is deeply rooted in Reconstruction-era racial voter suppression.⁵² It is a wrong that Congress can easily cure by passing statehood-granting legislation that would cover most of the area that currently makes up Washington, D.C. Harris has previously voiced support for D.C. statehood,⁵³ and we will demand she backs up that

support with the power of the presidency. Additionally, we will urge the Harris administration to stand in unequivocal support of the existing self-governance and autonomy granted to D.C. under the Home Rule Act.⁵⁴ In line with this, we will further demand that Harris veto any legislation that seeks to overturn laws enacted by the D.C. government.

A Harris presidency must also build upon efforts the Biden-Harris administration has made to include residents of U.S. territories — like Puerto Rico, the U.S. Virgin Islands, and Guam — in a democracy and racial justice agenda. More than 125 years after the United States began its relationship with the current U.S. territories, one thing about those territories is clear: They were colonies then and effectively remain colonies today. The 3.6 million people who live there — 98 percent of whom are people of color — lack voting representation in Congress and can't vote in presidential elections. They are also denied certain federal benefits, such as Supplemental Security Income Benefits for seniors and people with disabilities, just because of where they live. As a senator, Harris cosponsored legislation to correct harmful inequities in federal health care funding for millions of U.S. territory residents.⁵⁵ We would expect and urge a Harris administration to promote this vital and unfinished work. Ultimately, the ACLU believes U.S. territory residents must, as President Biden said, be able to “determine their own political future” and “receive the full rights and benefits of their citizenship.”⁵⁶ The ACLU will vigorously advocate that a Harris administration dismantle colonialist policies that undermine fundamental rights and economic opportunity for millions of people who live in U.S. territories.

Strengthening our election infrastructure

Finally, a Harris administration is likely to continue the Biden-Harris administration's efforts to **fund state and local elections** across the country adequately and annually, bridging deficits that have resulted in elections that are severely under-resourced, understaffed, and potentially vulnerable to security and other challenges. Experts estimate that fully modernizing our election infrastructure will require \$53 billion over 10 years,⁵⁷ and the Biden-Harris White House has consistently requested billions in funding over a 10 year period.⁵⁸ The President's Fiscal Year (FY) 2025 Budget requested \$5 billion in election grants, starting with \$1.625 billion for FY 2025.⁵⁹ Yet, as the FY 2025 appropriations process moves forward, the House Appropriations Committee passed an appropriations bill that includes \$0 in federal funding for elections.⁶⁰ Additionally, while neglecting this responsibility to fund election infrastructure, members of Congress have simultaneously pushed for bans on nonpartisan private funding for election administrators that seeks to fill the gap left by federal and state

legislators,⁶¹ highlighting the need for concerted pressure on Congress to provide funding.

Congress

The ACLU will continue our work with partners and allies to pass the JLVRAA, core voting provisions of the FTVA, the NAVRA, and the Washington, D.C. Admission Act. The JLVRAA would begin to root out racially discriminatory voting barriers at a moment when the need to restore and strengthen the protections of the VRA has never been clearer. That's why the ACLU has long supported the JLVRAA, including through congressional testimony, consistent lobbying and briefings to members of Congress, reports exposing the impact of *Shelby County* on racially discriminatory voting practices, and constituent education and advocacy activations in support of the bill.⁶² Harris has said repeatedly that “Congress must pass the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act ... the combination of these bills would set a basic standard for voting that puts a stop to obstructionist tactics. These bills would help make sure that all voters, no matter where they live, can vote and have their vote counted.”⁶³ In a Harris administration, the ACLU will double down on our efforts to move these bills through Congress and support the administration to make them part of its agenda in the first 100 days.

While the outlook for these bills in Congress will ultimately depend on whether pro-voter and pro-democracy candidates secure a majority in each chamber, and if those members can reform the filibuster rules, the president plays an important role in using their influence to set a congressional agenda. Filibuster abuse has been used for more than 150 years to thwart minority political participation in our democracy,⁶⁴ including to prevent the passage of a combined version of the JLVRAA and the FTVA.⁶⁵ The ACLU is determined to not let this history repeat itself. Without filibuster reform, anti-voter members of the Senate can block a Senate majority sent to Congress to ensure protections of the right to vote. So, the ACLU will engage in a coordinated Senate-lobbying campaign, ramping up in the lame-duck session, to demand filibuster reform. If there is not a pro-voter Congress, we will not stop fighting. The ACLU and our partners led efforts to reauthorize the VRA five times, each with strong bipartisan support.⁶⁶ It is past time for Congress to return to its longstanding bipartisan tradition to protect every citizen's right to vote.

Our elections simply cannot run efficiently and securely when the officials who perform the daily functions that make our democracy work lack the funds to recruit and hire staff, update voting equipment, research ways to increase accessibility, obtain sufficient and secure facilities, implement other measures to ensure election worker security, and counter mis- and disinformation.

The ACLU will activate pro-democracy supporters across the country, and leverage the reach of key ACLU affiliates, to ensure that congressional appropriators consistently and sufficiently fund elections.

State & Local

In a Harris administration, the ACLU will continue to fight to expand and protect the right to vote on every level of government. This includes pressing state and local officials to leverage every available tool to increase access to voting and strengthen democracy. We have a long history of spearheading successful legislative and ballot campaigns to secure impactful policies that expand voting access.⁶⁷ For instance, while we work federally to enact the JLVRAA, we have used our political power and 50-state reach to help secure state-level VRAs that, like the federal VRA, seek to end discriminatory voting practices.⁶⁸ We will continue to expand these efforts in the coming years regardless of the federal outcomes. Additionally, we will continue to advocate for hallmark policies that expand access to the ballot in states that do not yet have policies. This includes modernizing elections and removing voting barriers through laws creating or expanding same-day registration, automatic voter registration, and early and mail voting. We will activate our members and supporters to demand state legislators repeal felony disenfranchisement laws that strip otherwise eligible citizens from the right to lend their voice to our democracy.

Finally, as we expect to see backlash to a Harris presidency and a flood of voter suppression bills move through state legislatures, we will use our on-the-ground presence with lobbyists, organizers, and activists in every state to stop these bills and minimize any damage these efforts cause.

Courts

In nearly every new state legislative session, numerous bills that aim to restrict people's right to vote have been introduced.⁶⁹ This effort to restrict the right to vote only becomes more intense in response to electoral victories by candidates who support the expansion of civil rights and civil liberties. After Trump pushed the "Big Lie" around the 2020 election there was wave of suppressive bills introduced in the 2021 legislative sessions across the country. In that session, more suppressive legislation was enacted than in any period since advocates began tracking it, with over 440 such bills introduced, 34 enacted into law, and 152 carried over as still live in the next legislative year.⁷⁰

Just as we were in 2021,⁷¹ the ACLU stands ready to go to court to take on suppressive laws, policies, and practices that are likely to follow a Harris win. Since 2021, in

addition to our redistricting docket discussed below, the ACLU has obtained 27 victories for voters across 14 states using the courts, and we're ready to intensify our efforts going forward.⁷² While many introduced anti-voter bills may be beaten back through our advocacy work, if they become law, we will challenge them in court — and we will demand that the Harris DOJ does its part to enforce federal statutory protections of the right to vote. We will make use of both the federal constitution, as well as federal statutory protections, such as the VRA and the Americans with Disabilities Act.⁷³ And should the JLVRAA, the FTVA, or the NAVRA become law, we will not hesitate to make use of these strengthened and new protections to intensify our effort in the courts. Beyond the federal courts, state constitutions and state statutory schemes, including many recently enacted state VRAs, provide additional mechanisms we will use to ensure access to the ballot.⁷⁴

Fully Implementing Executive Order 14019 On Promoting Access To Voting

The Biden-Harris administration brought about historic federal policies to increase voter registration and education. Most notably, President Biden issued Executive Order 14019, which encourages federal agencies to promote nonpartisan voter registration opportunities for all eligible citizens pursuant to longstanding federal law — namely, the bipartisan NVRA⁷⁵ — and directs the federal government to live up to its "duty [...] to promote the exercise of [the right to vote]."⁷⁶ Since the executive order was issued in 2021, some agencies have taken steps toward offering voter registration services under the NVRA to the millions of eligible citizens that receive services directly from the federal government. This progress includes adding voter registration opportunities in Indian Health Service clinics and Veterans Affairs medical centers that will increase access for tribal communities and veterans;⁷⁷ making significant improvements to [Vote.gov](https://www.vote.gov) (the multilingual website that helps you register to vote and understand the voting process);⁷⁸ and providing DOJ guidance to the Bureau of Prisons on facilitating voter registration access for eligible individuals in federal custody.⁷⁹

But there is more to do. In speeches and meetings with voting rights leaders, Harris has vocally embraced efforts to increase nonpartisan voter registration and education under the executive order. In remarks commemorating the one-year anniversary of the executive order, Harris declared that "[t]he President and I have the full power of the executive branch behind this effort [to implement the Executive Order]. And I commend the [federal] agencies that are here today for [their] innovative work."⁸⁰ And

in July 2023, Harris gave a speech at an event in Arizona hosted by the Gila River Tribal Nation and uplifted the great work that is being done in Arizona under the executive order to expand voter registration opportunities at Indian Health Service locations.⁸¹

Federal Agency Implementation

We will encourage a Harris administration to do everything in its power to push federal agencies to continue their impactful work implementing the executive order and increasing participation in our democracy — and to do so more expeditiously. In particular, a Harris administration must push for better implementation of the executive order in three agencies, where growth and expansion of the executive order is possible:

First, we would urge a Harris administration to press for additional steps at the **Social Security Administration (SSA)**, an agency that directly interacts with millions of U.S. citizens as it administers its many different benefits programs.⁸² The SSA should more actively incorporate robust information about voter registration directly into its actual benefits applications, following the model established by Section 7 of the NVRA, which requires social service agencies to provide voter registration opportunities.⁸³ In particular, we will advocate for the SSA to incorporate an impactful voter registration opportunity into all Supplemental Security Income (SSI) applications. Individuals apply for SSI payments through an online disability benefits program, through the telephone, or at their local Social Security Office.⁸⁴ These processes are all run by the SSA and currently do not include information about voter registration, nor do they provide an opportunity to register to vote.⁸⁵ Approximately 34 state Medicaid systems currently rely on the SSA to enroll SSI beneficiaries directly into Medicaid. Consequently, individuals within these systems are typically enrolled in their state's Medicaid program without receiving the required NVRA voter registration opportunity other Medicaid applicants receive.⁸⁶ As of January 2023, there were 7.4 million individuals receiving SSI benefits.⁸⁷ Individuals with lower incomes and disabilities who depend on programs like SSI are much less likely to be registered to vote.⁸⁸ Adding voter registration to the SSI process is a huge opportunity to close the gap and expand access to voter registration for underrepresented populations.

Second, we would press a Harris administration to improve voter registration opportunities following naturalization ceremonies. **U.S. Citizenship and Immigration Services (USCIS)**, which is part of the Department of Homeland Security, has been providing information and access to voter registration opportunities to newly naturalized U.S. citizens after their naturalization ceremonies for years, efforts that pre-date the executive order.⁸⁹ In response to the executive order, USCIS improved its

operations manual guidance related to information about how to register to vote that is provided after the completion of the naturalization process. But much more could be done. We would urge USCIS to require its employees to provide nonpartisan assistance with voter registration applications to any new citizen who asks for it immediately following the naturalization oath ceremony, and to explore ways to share information electronically with state election officials for any new citizen who wishes to be registered to vote.

Naturalized citizens comprise a significant and diverse portion of eligible voters. In the 2023 federal fiscal year, USCIS naturalized 878,500 new citizens.⁹⁰ Naturalized citizens often face numerous structural and political barriers to voting, including language access issues and discriminatory practices that illegally prevent naturalized citizens from voting.⁹¹ These hurdles have historically led to lower voter registration rates and lower voter turnout rates for naturalized citizens compared to native-born citizens. In the 2020 presidential election, 73 percent of native-born citizens reported that they were registered to vote, compared to 66 percent of naturalized citizens.⁹² Similarly, 67 percent of native-born citizens reported voting in the 2020 presidential election, compared to 61 percent of naturalized citizens.⁹³ The ACLU will push a Harris administration to close these gaps by improving the voter registration services provided by USCIS.

Finally, a Harris administration should expand registration opportunities in the Free Application for Federal Student Aid (FAFSA) process administered by the DE. The FAFSA provides an excellent opportunity to reach a population of citizens with lower voter registration rates. Young people are much less likely to be registered to vote than older Americans, and citizens between 18 and 25 years of age have the lowest voter registration rates of all ages due to the unique barriers young people encounter.⁹⁴ For example, in 2018, when a record number of young people voted in the midterm elections, only 28 percent of young people and 40 percent of students cast ballots.⁹⁵ In the 2022-2023 cycle, more than 17 million students filed a FAFSA, including more than 14 million undergraduate students.⁹⁶ Significant numbers of students of color submit a FAFSA application every year: On average, 83 percent of Black students, 74 percent of Hispanic students, 54 percent of Asian American students, and 77 percent of Native American students complete the FAFSA.⁹⁷ Similarly, 73 percent of low-income students complete the FAFSA.⁹⁸ Of these, more than half are eligible for Pell grants, which are generally awarded to those with family incomes below \$30,000.⁹⁹

A simple step the DE can take to help increase voter registration among young people is adding voter registration information to the FAFSA Submission Summary (formerly known as the Student Aid Report) that students

receive after completing the FAFSA.¹⁰⁰ The ACLU will press the DE to add this information to both the electronic and the hard-copy FAFSA Submission Summary and to explore ways to integrate a voter registration question into the FAFSA online application process.

Congress

The ACLU will utilize our lobbying and organizing resources to ensure that Congress blocks any attempt to reverse, defund, or otherwise hamper the strongest implementation of this executive order. This includes defeating appropriation riders and amendments to the NVRA that would nullify or defund the executive order. We will also fight to ensure that agencies have the funding and resources needed to robustly implement this executive order as expeditiously as possible.

State & Local

In addition to our federal efforts, the ACLU will continue to push states and localities to do everything within their power to increase registration opportunities and voter education across state and local government. This includes leveraging our nationwide reach to secure state legislation or executive orders requiring all relevant state and local agencies to offer voter registration opportunities and voter education in interactions with residents. We will continue working to ensure that NVRA-covered states¹⁰¹ are in full compliance with their NVRA obligations to extend nonpartisan voter registration opportunities during all transactions with driver's license offices, public assistance offices, and disability service offices.¹⁰² Moreover, we will ensure that states comply with NVRA list maintenance rules¹⁰³ to avoid the removal of eligible voters from voting rolls and we will urge states to designate additional federal offices as voter registration agencies under the NVRA.¹⁰⁴

Courts

The NVRA contemplated enforcement by the attorney general,¹⁰⁵ but the DOJ has brought very few suits ensuring these protections.¹⁰⁶ We will demand enforcement of the NVRA by a Harris DOJ. These federal protections should be accompanied by federal enforcement.

But we will not wait for action from a Harris administration. The ACLU is one of the few organizations that maintains a full and active docket on enforcing state compliance with the mandatory obligations under the NVRA to provide voter registration opportunities through state motor vehicles agencies and certain other state and local agencies, including public assistance and disability

offices.¹⁰⁷ In a Harris administration, this work will continue in the states to ensure expanded access to voter registration opportunities, making certain that states provide at least the minimum of what the NVRA demands. We will also continue our work in the courts to ensure that state list maintenance practices do not violate the NVRA or other legal protections.¹⁰⁸ This includes taking on efforts of non-governmental groups who aim to use the courts to force more aggressive voter purges by government entities.¹⁰⁹

Some states enact laws that make it more difficult for civic groups to offer voter registration services. As we have in the past,¹¹⁰ we will meet any such laws in the courts. Ensuring that access to voter registration is unimpeded is the key first step in ensuring that access to the ballot is not burdened.

Ensuring An Accurate 2030 Census Count & Apportionment

The next presidential term coincides with the final years of developing and planning for execution of the 2030 constitutionally mandated census count of the entire U.S. population. The ACLU expects that a Harris administration would make every effort to ensure a complete, accurate count that reflects our nation's diversity. Harris strongly condemned former President Trump's efforts to instill fear within immigrant communities, create a "faulty census," and "weaken our democracy."¹¹¹ A Harris administration must therefore build on the Biden-Harris administration's work supporting a successful, more useful, and accurate 2030 Census.

The results of each decennial census are used to apportion seats in Congress among the states; draw congressional and state legislative district lines within each state; and distribute billions in federal and state funding for essential services across virtually every area of life. Attacks on the census are ongoing. The ACLU fought tirelessly against former President Trump's efforts to weaponize and render the census inaccurate because of its immeasurable and wide-reaching impacts.¹¹² That work is not over; it continues as the next census cycle gets in motion. As recently as May 2024, the U.S. House of Representatives passed the misleadingly named Equal Representation Act¹¹³ to mandate a citizenship question and unconstitutionally attempt to exclude noncitizens from the apportionment of U.S. Representatives. Fortunately, pro-democracy Senate leadership refused to advance this harmful undemocratic legislation; it remains as vital as ever for the next administration to serve as a bulwark against these efforts over the next four years.

A Harris administration must also safeguard instrumental

progress that the U.S. Office of Management and Budget (OMB) has made to data collection standards for all federal agencies, including the Census Bureau. Under the Biden-Harris administration, in March 2024, the OMB updated quarter-century-old federal standards for collecting and reporting race and ethnicity data to capture more detailed and disaggregated data that more accurately reflects the increasing diversity of the population.¹¹⁴ And while these new guidelines are not perfect and should be further improved,¹¹⁵ protecting this significant advancement is important to expanding efforts to safeguard minority communities from voting discrimination and equipping governments with the detailed data needed to develop programs and allocate resources in ways that bring us closer to a more equitable, inclusive, and stronger democracy.

Furthermore, the ACLU will work with a potential Harris administration and Congress to ensure that the Census Bureau has all the resources and tools needed — including sufficient, consistent federal funding — to be successful in the lead-up to the 2030 Census. We will continue to urge the Census Bureau to revise its residency rule to end prison gerrymandering¹¹⁶ — the practice of counting people who are incarcerated as residents of their detention facility location as opposed to their actual home — that results in skewed and inaccurate political representation and resource allocation that often harms Black and brown communities the most.¹¹⁷

Congress

We will demand that Congress reject any effort to weaken the existing requirement in federal law that “the whole number of persons” be counted in each decennial census or any attempt to mandate a citizenship question.¹¹⁸ Our experienced lobbyists will brief members of Congress on the detrimental, inequitable impact that a citizenship question would have on their home states and constituents, deterring participation by immigrants and communities of color and ultimately leading to an inaccurate count that unfairly reduces federal funding and congressional representation. Additionally, we will invest significant resources in urging Congress to fully fund the Census Bureau’s operations in the lead-up to the next census, pass redistricting reforms that protect against partisan gerrymandering, and require the Census to stop counting incarcerated individuals as residents of their detention facilities.

State & Local

The ACLU will continue our successful efforts to advance legislation and ballot measures that ensure fair

districts in the next 2030 redistricting cycle,¹¹⁹ including enacting protections against racial, partisan, and prison gerrymandering. We will build strong bipartisan support against the addition of a citizenship question in the next census, leveraging our affiliate presence in every state to mobilize state and local officials and other influential voices from districts that stand to lose federal funding and congressional representation from the impacts of such census manipulation. Finally, as we have in the past, we will engage our organizers and members in a public education campaign on the impact of the census in everyday life and the importance of counting every person, laying the groundwork for the most accurate census in 2030.

Courts

Redistricting takes place not in the federal government, but in state and local bodies. The ACLU continually works to ensure fair districting. As we have in each redistricting cycle since the passage of the VRA, we will go to courts to demand that redistricting plans do not dilute the power of voters of color. In the 2020 redistricting cycle, we achieved a landmark ruling at the U.S. Supreme Court in *Allen v. Milligan*,¹²⁰ which held that Alabama’s 2021 congressional map likely violated Section 2 of the VRA, and affirmed the framework and constitutionality of that provision. On the heels of that success, in Georgia, Mississippi, and Louisiana we won Section 2 litigation, securing fairer maps for Black voters in Congress and the state legislatures.¹²¹ This commitment is not just for state and federal offices. We will continue to access the courts to secure fair representation by challenging methods of election that dilute the voting power of voters of color at every level of government.¹²² Redistricting is a key area in which we will encourage a Harris DOJ to use its VRA enforcement authority to hold jurisdictions accountable and ensure fair districts.

Beyond the VRA, we will also access state courts to ensure fair representation. For example, state VRAs will continue to provide a mechanism by which fair representation can be ensured in court. We are litigating to ensure such representation for voters of color in New York,¹²³ bringing one of the first cases to make use of the New York Voting Rights Act,¹²⁴ and will continue to do so where states have enacted these additional protections. State constitutions also provide protections for the right to vote beyond those ensured by the federal constitution. We have challenged unfair maps under state constitutional provisions in state courts;¹²⁵ this will continue to be an avenue to ensure fair representation for all voters at all levels.

CONCLUSION

Vice President Harris said in 2021, “The work ahead of us is to make voting accessible to all American voters, and to make sure every vote is counted through a free, fair, and transparent process. This is the work of democracy.”¹²⁶ We at the ACLU couldn’t agree more. We will be counting on a Harris administration to build on the Biden-Harris administration’s efforts to protect and expand voting access, ensure an accurate census, and shore up faith in and the strength of our democracy. The influence of the presidency can reinvigorate the effort to restore and strengthen the VRA, advance the NAVRA, pass key voting provisions of the FTVA, and secure D.C.

statehood. A Harris administration can double down on a whole-of-government approach to increasing access to voter registration and education through federal agency interactions and efforts to protect the integrity of the 2030 Census. The ACLU stands ready to hold a potential Harris administration accountable to deliver on its promises to protect and expand voting rights, and we will not stop fighting in the courts, in Congress and statehouses, and alongside the most marginalized communities to fortify our democracy for generations to come.

ENDNOTES

- 1 Tesfaye Negussie, *Harris says White House backs 3 ‘days of action’ on voting rights as she meets with advocates*, ABC News (Feb. 27, 2024), <https://abcnews.go.com/Politics/harris-white-house-backs-3-days-action-voting-story?id=107597045>; Eugene Scott, *VP Harris to announce Biden team’s plans to boost voting access*, Axios (Feb. 27, 2024), <https://www.axios.com/2024/02/27/kamala-harris-voting-rights-2024>; Eugene Daniels, *Harris pushed hard for voting rights — then hit a brick wall*, Politico (Jan. 15, 2022), <https://www.politico.com/news/2022/01/15/harris-voting-rights-push-527186>; Katie Rogers & Nicholas Fandos, *Harris Asked to Lead on Voting Rights. She Has Her Work Cut Out for Her*, N.Y. Times (June 7, 2021), <https://www.nytimes.com/2021/06/03/us/politics/kamala-harris-voting-rights-laws.html>; Sholnn Freeman, *Vice President Kamala Harris at Howard on Voting Rights*, Howard Magazine (Fall 2021), available at <https://magazine.howard.edu/stories/vice-president-kamala-harris-at-howard-on-voting-rights>; Press Release, ACLU, *ACLU Endorses Senator Harris’ VoteSafe Act* (May 15, 2022), <https://www.aclu.org/press-releases/aclu-endorses-senator-harris-votesafe-act> (While a senator, Harris sponsored the Vote Safe Act to safeguard Americans’ ability to vote during the COVID-19 pandemic).
- 2 Press Release, White House, *Remarks by Vice President Harris at a Political Event* (July 27, 2024), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/07/27/remarks-by-vice-president-harris-at-a-political-event-11/> [hereinafter *Remarks at a Political Event*]; Press Release, White House, *Remarks by Vice President Harris at a Gila River Tribal Nation Event* (July 6, 2023), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/07/06/remarks-by-vice-president-harris-at-a-gila-river-tribal-nation-event/> [hereinafter *Gila River Tribal Nation Event*].
- 3 See, e.g., *Gila River Tribal Nation Event*, *supra* note 2.
- 4 Washington, D.C. Admission Act, H.R. 51, 118th Cong. (2023).
- 5 Exec. Order No. 14019, 86 Fed. Reg. 13623 (Mar. 10, 2021).
- 6 National Voter Registration Act of 1993, 52 U.S.C. §§ 20501-20511 (1993).
- 7 52 U.S.C. § 20501.
- 8 Leadership Conf. on Civ. & Hum. Rts, *Strengthening Democracy: A Progress Report on Federal Agency Action to Promote Access to Voting* (Mar. 2, 2023), https://civilrights.org/wp-content/uploads/2023/03/ProgressReport_VotingAccess.pdf.
- 9 See, e.g., Exec. Order No. 13986, 86 Fed. Reg. 7015 (2021).
- 10 Remarks at a Political Event, *supra* note 2.
- 11 John R. Lewis Voting Rights Advancement Act, H.R. 4, 117th Cong. (2021).
- 12 Voting Rights Act of 1965, 52 U.S.C. §§ 10301-10314 (1965).
- 13 Freedom to Vote Act, H.R. 11, 118th Cong. (2023).
- 14 H.R. 51, *supra* note 4.
- 15 See generally Jeff Merkley and Mike Zamore, *Filibustered! How to Fix the Broken Senate and Save America* (New Press, 6th ed. 2024).
- 16 Danielle Root & Liz Kennedy, *Increasing Voter Participation in America: Policies to Drive Participation and Make Voting More Convenient* (Ctr. Am. Progress, 2018), <https://www.americanprogress.org/article/increasing-voter-participation-america/>.
- 17 Sudiksha Kochi, *Election Officials Say They Need More Funding. Advocates are Calling on Congress to Help*, USA Today (Apr. 8, 2024), <https://www.usatoday.com/story/news/politics/elections/2024/04/08/election-offices-2024-funding-voting/73031065007/>; Jennifer Shutt, *States Struggle with Unreliable Federal Funding for Making Sure Elections are Secure*, Stateline (June 19, 2024), <https://stateline.org/2024/06/19/states-struggle-with-unreliable-federal-funding-for-making-sure-elections-are-secure/>.
- 18 52 U.S.C. §§ 10302, 10504.
- 19 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20307; National Voter Registration Act, 52 U.S.C. 20510(a); Help America Vote Act, 52 U.S.C. 25111; 18 U.S.C. §§ 241, 594 (laws aimed at voter intimidation).
- 20 See Civil Rights Division, *Recent Activities of the Voting Section*, at <https://www.justice.gov/crt/recent-activities-voting-section>.
- 21 See ACLU, *The Imperative of Restoring the Voting Rights Act: a 2024 Report of the American Civil Liberties Union*, <https://www.aclu.org/wp-content/uploads/2024/03/ACLU-Report-The-Imperative-of-Restoring-and-Strengthening-the-Voting-Rights-Act-2024.pdf> [hereinafter “*Imperative of Restoring the Voting Rights Act*”].
- 22 See, e.g., Statement of Interest of the United States, *League of Women Voters of Ohio v. LaRose*, No. 23-cv-02414 (N.D. Ohio June 17, 2024); Statement of Interest of the United States, *Milligan v. Allen*, No. 22-cv-1530 (N.D. Ala. Mar. 14, 2024).

- 23 See, e.g., Notice of Intervention of the United States, *Nairne v. Adroin*, No. 22-cv-178 (M.D. La. Dec. 7, 2023); Notice of Intervention of the United States, *Alpha Phi Alpha Fraternity Inc. v. Raffensperger*, No. 21-cv-5337 (N.D. Ga. Nov. 3, 2023).
- 24 Wendy R. Weiser & Lawrence Norden, *Voting Law Changes in 2012* (Brennan Ctr. Just., 2011), <https://www.brennancenter.org/our-work/research-reports/voting-law-changes-2012>.
- 25 See, e.g., S.B. 90, 2021 Leg. (Fla. 2021); S.B. 202, 2021-2022 Reg. Sess. (Ga. 2021); S.B. 1, 87th Leg., Reg. Sess. (Tex. 2021).
- 26 *Anderson v. Celebrezze*, 460 U.S. 780 (1983); *Burdick v. Takushi*, 504 U.S. 428 (1992).
- 27 U.S. Const. art. I, § 4.
- 28 See, e.g., *Sixth District of the African Methodist Episcopal Church v. Kemp*, No. 21-cv-1284 (N.D. Ga. Mar. 30, 2021); *Western Native Voice v. Jacobsen*, No. DV 21-0451 (Yellowstone Cnty. Dist. Ct. May 17, 2021); *OCA-Greater Houston v. Nelson*, No. 21-cv-0780 (W.D. Tex. Sept. 3, 2021).
- 29 Eugene Daniels, *Harris pushed hard for voting rights — then hit a brick wall*, Politico (Jan. 15, 2022), <https://www.politico.com/news/2022/01/15/harris-voting-rights-push-527186>; Katie Rogers & Nicholas Fandos, *Harris Asked to Lead on Voting Rights. She Has Her Work Cut Out for Her*, N.Y. Times (June 7, 2021), <https://www.nytimes.com/2021/06/03/us/politics/kamala-harris-voting-rights-laws.html>.
- 30 Press Release, White House, Readout of Vice President Kamala Hariss’s Convening With Voting Rights Leaders (Feb. 27, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/27/readout-of-vice-president-kamala-harriss-convening-with-voting-rights-leaders-2/>; Tesfaye Negussie, *Harris Says White House Backs 3 ‘Days of Action’ on Voting Rights as she Meets with Advocates*, ABC News (Feb. 27, 2024), [https://abcnews.go.com/Politics/harris-white-house-backs-3-days-action-voting/story?id=107597045](https://abcnews.go.com/Politics/harris-white-house-backs-3-days-action-voting-story?id=107597045).
- 31 Remarks at a Political Event, *supra* note 2.
- 32 Gila River Tribal Nation Event, *supra* note 2.
- 33 H.R. 4, *supra* note 11.
- 34 *Id.*
- 35 Cong. Rsch. Serv., IF12284, Voting Rights Act: Brief Policy Overview (Dec. 14, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF12284>.
- 36 *Shelby County v. Holder*, 570 U.S. 520 (2013).
- 37 Jasleen Singh & Sara Carter, *States Have Added Nearly 100 Restrictive Laws Since SCOTUS Gutted the Voting Rights Act 10 Years Ago*, Brennan Ctr. Just. (June 23, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-gutted-voting-rights>; *Why Access to Voting is Key to Systemic Equality*, ACLU (Oct. 6, 2023), <https://www.aclu.org/news/voting-rights/why-access-to-voting-is-key-to-systemic-equality>.
- 38 See, e.g., ACLU, *The Imperative of Restoring and Strengthening the Voting Rights Act 57-269 (2024)*, <https://www.aclu.org/wp-content/uploads/2024/03/ACLU-Report-The-Imperative-of-Restoring-and-Strengthening-the-Voting-Rights-Act-2024.pdf> (detailing more than 180 voting rights cases the ACLU has participated in from 2000 through March 2024); see also *The Right Side of History: Protecting Voting Rights in America before the U.S. Senate Committee on the Judiciary*, 118th Cong. (2024) https://www.judiciary.senate.gov/imo/media/doc/2024-03-12_-_testimony_-_lakin.pdf (statement of Sophia Lin Lakin, Director of the ACLU’s Voting Rights Project).
- 39 *Why Access to Voting is Key to Systemic Equality*, *supra* note 33.
- 40 *Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647 (2021).
- 41 The bill has been introduced in various forms in recent Congresses, most recently as the “Freedom to Vote Act of 2023,” S.1/H.R. 11, 118th Cong. (2023). It is important to note that the ACLU has concerns about parts of the FTVA, including provisions around disclosure and its inclusion of the DISCLOSE Act, which could have unintended consequences on the constitutionally protected speech and associational rights of many public interest organizations and individuals across the nation. We are committed to continuing to work with Congress to address these issues and strengthen this vital legislation. See Press Release, ACLU, *ACLU Comment on Freedom to Vote Act* (July 18, 2023), <https://www.aclu.org/press-releases/aclu-comment-on-the-freedom-to-vote-act>.
- 42 *Native American Voting Rights Act of 2021*, H.R. 5008, 117th Cong. (2021).
- 43 James Thomas Tucker et al., *Native Am. Rts. Fund, Obstacles at Every Turn: Barriers to Political Participation Faced by Native American Voters* (2020), <https://vote.narf.org/obstacles-at-every-turn/>.
- 44 *Brnovich*, *supra* note 36.
- 45 Over a 15 year period. H.R. 5008, § 4, *supra* note 38.
- 46 *Id.* § 6.

- 47 *Id.*
- 48 H.R. 51, *supra* note 4.
- 49 Kamala Harris (@KamalaHarris), X (June 26, 2020), <https://x.com/kamalaharris/status/1276569418202591233>.
- 50 D.C. has no U.S. Senators and is only represented in the U.S. House of Representatives by a delegate with limited voting privileges. *Why Statehood for DC*, State of Washington D.C. (2022), <https://statehood.dc.gov/page/why-statehood-dc#:~:text=DC%20residents%20are%20denied%20representation%3A&text=DC%20elects%20a%20non%20voting,or%20on%20the%20Senate%20Floor>.
- 51 Suzanne Monyak, *Senate Votes to Overturn DC Criminal Code Changes*, Roll Call (Mar. 8, 2023), <https://rollcall.com/2023/03/08/senate-votes-to-overturn-dc-criminal-code-changes/>.
- 52 Adriel I. Cepeda Derieux, *D.C. Statehood is a Racial Justice Issue*, ACLU (July 27, 2020), <https://www.aclu.org/news/voting-rights/d-c-statehood-is-a-racial-justice-issue>.
- 53 Kamala Harris (@KamalaHarris), X (June 26, 2020), <https://x.com/kamalaharris/status/1276569418202591233>.
- 54 District of Columbia Home Rule Act, Pub. L. No. 93-198, 87 Stat. 774.
- 55 See Tax Axelrod, *Democratic White House hopefuls push to expand health care in US territories*, Hill (June 11, 2019), <https://thehill.com/homenews/senate/448059-2020-dem-senators-introduce-bill-to-expand-health-care-in-territories/>.
- 56 Off. of Mgmt. & Budget, Exec. Off. of the President, Statement of Administrative Policy: H.R. 8393 – Puerto Rico Status Act (Dec. 15, 2022).
- 57 Election Infrastructure Initiative, 50 States of Need: How We Can Fully Fund Our State and Local Election Infrastructure (2021), <https://static1.squarespace.com/static/6083502fc0f6531f14d6e929/t/61f836e405feca3722d63b9d/1643656990641/50-States-Of-Need.pdf>.
- 58 The 2025 Fiscal-Year budget invests \$1.625 billion in the first year and then \$375 million in the following years. Press Release, Election Infrastructure Initiative, Biden Continues to Fight for Federal Investments in Local Election Departments with New Budget (Mar. 10, 2024), <https://modernizeourelections.org/updates/biden-continues-to-fight-for-federal-investments-in-local-election-departments-with-new-budget>; see also Off of Mgmt. & Budget, Exec. Off. of the President, Budget of the United States Government, Fiscal Year 2025 (2024), https://www.whitehouse.gov/wp-content/uploads/2024/03/budget_fy2025.pdf.
- 59 Budget of the United States Government, Fiscal Year 2025, *supra* note 54.
- 60 Financial Services and General Government Appropriations Act of 2025, H.R. 8773, 118th Cong. (2024).
- 61 The “End Zuckerbucks Act” was introduced “to prohibit 501(c)(3) organizations from providing direct funding to official election organizers.” End Zuckerbucks Act, H.R. 1725, 118th Cong. (2023). See also American Confidence in Elections Act, H.R. 4563, 118th Cong. § 131 (2023).
- 62 See, e.g., Press Release, ACLU, ACLU Applauds the Introduction of the John R. Lewis Voting Rights Advancement Act to Restore and Strengthen the Landmark Voting Rights Act (Sept. 19, 2023), <https://www.aclu.org/press-releases/aclu-applauds-the-introduction-of-the-john-r-lewis-voting-rights-advancement-act-to-restore-and-strengthen-the-landmark-voting-rights-act>; Sophia Lin Lakin & Molly McGrath, *How We Are Protecting the Right to Vote on the Anniversary of Shelby v. Holder*, ACLU (June 23, 2023), <https://www.aclu.org/news/voting-rights/how-we-are-protecting-the-right-to-vote-on-the-anniversary-of-shelby-v-holder>; ACLU, *The Case for Restoring and Updating the Voting Rights Act*, A Report of the American Civil Liberties Union 2021 (July 14, 2021), https://assets.aclu.org/live/uploads/publications/aclu_2021_vra_report_-_combined.pdf.
- 63 Press Release, White House, Remarks By Vice President Harris On Voting Rights At The Declaration For American Democracy Coalition (Nov. 15, 2021), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/11/15/remarks-by-vice-president-harris-on-voting-rights-at-the-declaration-for-american-democracy-coalition/>.
- 64 See generally Merkley, *supra* note 15.
- 65 Freedom to Vote: John R. Lewis Act, H.R. 5746, 117th Cong. (2021).
- 66 *The Imperative of Restoring and Strengthening the Voting Rights Act: A 2024 Report of the American Civil Liberties Union*, ACLU (Mar. 12, 2024), <https://www.aclu.org/wp-content/uploads/2024/03/ACLU-Report-The-Imperative-of-Restoring-and-Strengthening-the-Voting-Rights-Act-2024.pdf>.
- 67 See, e.g., *Promote the Vote*, ACLU of Michigan, <https://www.aclumich.org/en/cases/promote-vote> (last visited Aug. 13, 2024); Press Release, ACLU of Nevada, ACLU of Nevada and All Voting Is Local Nevada Run Ad Campaign to Expand Voting Access During Pandemic (July 7, 2020), <https://www.aclu.org/press-releases/aclu-nevada-and-all-voting-local-nevada-run-ad-campaign-expand-voting-access-during-support-automatic-voter-registration>, ACLU of Nevada,

- <https://www.aclunv.org/en/question-5-automatic-voter-registration> (last visited Aug. 13, 2024); Jess Zaccagnino, *Vote “Yes” for Early Voting*, ACLU of Connecticut (Sept. 19, 2022), <https://www.acluct.org/en/news/vote-yes-early-voting>; Bobby Hoffman, *Voters Choose to Defend Democracy by Approving Voting Rights Measures*, ACLU (Nov. 6, 2018), <https://www.aclu.org/news/civil-liberties/voters-choose-defend-democracy-approving-voting-rights-measures>.
- 68 States that have currently enacted Voting Rights Acts Include: California, Cal. Elec. Code §§ 14026-14032, Connecticut, Conn. Gen. Stat. §§ 410-418 (2023), Illinois, 10 Ill. Comp. Stat. 120/ § 5 (2011), Minnesota, H.F. 4772, 93rd Legis. (Minn. 2024), New York, S.B. 1046E, (N.Y. 2022), Oregon, OR. Rev. Stat. § 255.400 (2024), Virginia, Va. Code Ann. §§24.20125-24.2-131 (2021), Washington, Wash. Rev. Code Ann. § 29A.92 (2019).
- 69 See, e.g., *Voting Laws Roundup: 2023 In Review*, Brennan Ctr. Justice (Jan. 18, 2024), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2023-review>.
- 70 *Id.*
- 71 See, e.g., *Sixth District of the African Methodist Episcopal Church v. Kemp*, No. 21-cv-1284 (N.D. Ga. Mar. 30, 2021); *Western Native Voice v. Jacobsen*, No. DV 21-0451 (Yellowstone Cnty. Dist. Ct. May 17, 2021); *OCA-Greater Houston v. Nelson*, No. 21-cv-0780 (W.D. Tex. Sept. 3, 2021).
- 72 See, e.g., *Mason v. Texas*, 687 S.W.3d 772, 774 (Tex. App. 2024); *League of Women Voters of Ohio v. LaRose*, No. 1:23-CV-02414, 2024 WL 3495332 (N.D. Ohio July 22, 2024), *Hispanic Fed’n v. Byrd*, No. 4:23CV218-MW/MAF, 2024 WL 2206328 (N.D. Fla. May 15, 2024); *Montana Democratic Party v. Jacobsen*, 2024 MT 66, 416 Mont. 44, 545 P.3d 1074; see also *Imperative of Restoring the Voting Rights Act*, *supra* note 21.
- 73 See, e.g., *Sixth District of the African Methodist Episcopal Church v. Kemp*, No. 21-cv-1284 (N.D. Ga. Mar. 30, 2021); *Western Native Voice v. Jacobsen*, No. DV 21-0451 (Yellowstone Cnty. Dist. Ct. May 17, 2021); *OCA-Greater Houston v. Nelson*, No. 21-cv-0780 (W.D. Tex. Sept. 3, 2021).
- 74 See, e.g., *King v. Evnen*, No. S 24-563 (Neb. July 29, 2024); *Black Political Empowerment Project v. Schmidt*, No. 283 MD 2024 (Pa. Commw. Ct. May 28, 2024); *Montana Democratic Party v. Jacobsen*, 2024 MT 66, 416 Mont. 44, 545 P.3d 1074.
- 75 52 U.S.C. §§ 20501-20511.
- 76 *Id.* § 20501(a)(2).
- 77 Chelsea Gutierrez, *Indian Health Service Launches Voter Registration Pilot Program at Indian Health System Sites*, Nat’l Council of Urban Indian Health (Nov. 1, 2023), <https://ncuih.org/2023/11/01/ihs-launches-voter-registration-pilot-program-at-indian-health-system-sites/>; Press Release, Dep’t Veteran Affairs, VA announces state partnerships to provide voter registration assistance to Veterans (Sept. 20, 2022), <https://news.va.gov/press-room/va-announces-state-partnerships-to-provide-voter-registration-assistance-to-veterans/>.
- 78 *Register to Vote*, [Vote.gov](https://vote.gov), <https://vote.gov/national-voter-registration-form-review/> (last visited July 23, 2024).
- 79 *Voting Rights for Incarcerated Individuals*, Dep’t of Just. (Apr. 18, 2024), <https://www.justice.gov/crt/file/1206701/dl?inline>.
- 80 Remarks by Vice President Harris at the One-Year Commemoration of the President’s Executive Order on Promoting Access to Voting, The White House (Mar. 24, 2022), available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/03/24/remarks-by-vice-president-harris-at-the-one-year-commemoration-of-the-presidents-executive-order-on-promoting-access-to-voting/>.
- 81 Gila River Tribal Nation Event, *supra* note 2.
- 82 *Benefits*, SSA, <https://www.ssa.gov/benefits> (last visited July 31, 2024).
- 83 National Voter Registration Act, Pub. L. No. 103-31, 107 Stat. 77 (1993). Section 7 of the NVRA requires all state public assistance agencies that administer federal benefits programs, such as Medicaid and SNAP, and state operated disability programs to provide specific, robust and non-partisan voter registration services. 52 U.S.C. § 20506. These state agencies have successfully been providing those voter registration opportunities to their clients since 1995, when the NVRA was enacted.
- 84 The SSA has a standing textbox on their homepage that links [vote.gov](https://www.ssa.gov). See Social Security Administration, <https://www.ssa.gov/>.
- 85 *Id.*
- 86 Section 7 of the NVRA lays out a number of specific requirements that Medicaid agencies must follow when offering their clients an opportunity to register to vote, such as distribution of voter registration applications and assistance with completing those voter registration applications. 52 U.S.C. § 20506(a)(6).
- 87 See SSA, *Highlights*, in 2023 Annual Report of the SSI Program (May 30, 2023), <https://www.ssa.gov/oact/ssir/SSI23/ssi2023.pdf>.

- 88 According to a study done on voter registration in the 2020 election, the voter registration gap between voters with disabilities and those without was 2.9%. See Lisa Schur & Douglas Kruse, Fact Sheet: Disability and Voter Turnout in the 2020 Elections 11 (July 2021), https://www.eac.gov/sites/default/files/document_library/files/Fact_sheet_on_disability_and_voter_turnout_in_2020_0.pdf. During the 2022 midterm elections, “sixty-seven percent of eligible voters with household incomes above \$100,000 voted, compared to just 33% of eligible voters with household incomes below \$20,000.” Memorandum from Nat’l Low Income Housing Coal. on Voter Turnout Disparities in 2022 Midterm Elections to Members (May 15, 2023), <https://nlihc.org/resource/new-census-data-reveal-voter-turnout-disparities-2022-midterm-elections>.
- 89 See U.S. Citizenship & Immigr. Servs., Admin. Naturalization Ceremonies (July 18, 2024), <https://www.uscis.gov/policy-manual/volume-12-part-j-chapter-5>.
- 90 See *Naturalization Statistics*, U.S. Citizenship & Immigr. Servs. (May 9, 2024), <https://www.uscis.gov/citizenship-resource-center/naturalization-statistics>.
- 91 See, e.g., Tova Andrea Wang & Youjin B. Kim, Demos, From Citizenship to Voting: Improving Registration for New Americans (2011), https://www.demos.org/sites/default/files/publications/fromcitizenshiptovoting_demos_2.pdf [hereinafter, Demos, From Citizenship to Voting].
- 92 See U.S. Census Bureau, Voting and Registration in the Election of November 2020 tbl. 11 (Apr. 2021), <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.
- 93 *Id.*
- 94 See Voting and Registration in the Election of November 2020, U.S. Census, available at <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.
- 95 In the National Study of Learning, Voting, and Engagement, a landmark study of U.S. college and university student voting, the median age of students was 21, and 70 percent of the students were under the age of 25. See Nancy Thomas, et al, Tufts U., Democracy Counts 2018: Increased Student and Institutional Engagement (2019), <https://tufts.app.box.com/v/idhe-democracy-counts-2018>.
- 96 See Dep’t of Educ., FAFSA Volume Reps., <https://studentaid.gov/data-center/student/application-volume/fafsa-school-state> (last visited Aug. 14, 2024).
- 97 FAFSA Application Statistics, available at <https://www.savingforcollege.com/article/fafsa-application-statistics>.
- 98 *Id.*
- 99 Over 60 percent of Pell Grant recipients have family incomes below \$30,000 a year. See President’s FY 2023 Budget Request for the U.S. Department of Education, Congressional Justifications Volume I, Student Financial Assistance at 19 (2022), available at <https://www2.ed.gov/about/overview/budget/budget23/justifications/n-sao.pdf>.
- 100 Dep’t of Educ., What’s the FAFSA Submission Summary?, <https://studentaid.gov/help/fafsa-submission-summary> (last visited Aug. 14, 2024).
- 101 Six states (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) are exempted from the NVRA because they “either had no voter-registration requirements or had election-day voter registration at polling places.” *The National Voter Registration Act of 1993 (NVRA)*, U.S. Dep’t of Just. (July 20, 2022), available at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.
- 102 52 U.S.C. § 20506, *supra* note 7
- 103 *Id.* § 20507(b)-(d).
- 104 *Id.*
- 105 52 U.S.C. § 20510(a).
- 106 See Dep’t of Just., Voting Section Cases, <https://www.justice.gov/crt/voting-section-cases> (last visited Aug. 6, 2024).
- 107 52 U.S.C. §§ 20504, 20506(a)(2).
- 108 See, e.g., Ltr. to Hon. Cory Byrd, Fla. Sec’y of State, Notice of Non-Compliance with Section 8 of the National Voter Registration Act (July 16, 2024); *League of Women Voters of Indiana, Inc. v. Sullivan*, 5 F.4th 714 (7th Cir. 2021) (granting summary judgment preventing Indiana purge law from removing voters); *League of Women Voters of Missouri v. Ashcroft*, 336 F. Supp. 3d 998, 1001 (W.D. Mo. 2018) (granting preliminary injunction addressing state’s failure to offer voter registration services); *MOVE Texas Civic Action Fund v. Whitley*, No. 19-cv-41 (S.D. Tex 2019) (Texas implemented a purge program supposedly aimed at noncitizens, but instead targeted hundreds of thousands eligible Texas voters; the case ended in settlement after the court called the state’s efforts “ham-handed and threatening” and that the effort was “a solution in search of a problem).

- 109 See, e.g., *Judicial Watch, Inc. v. Commonwealth of Pa.*, No. 20-cv-00708, 2021 WL 858865 (M.D. Pa. Mar. 8, 2021) (dismissing case because lawsuit was based on outdated data and high registration rates alone do not lead to inference of list maintenance problem).
- 110 *Hisp. Fed'n v. Byrd*, No. 4:23CV218-MW/MAF, 2024 WL 2206328 (N.D. Fla. May 15, 2024) (finding that Florida law restricting third party voter registration organizations violated Equal Protection Clause); *League of Women Voters of Tenn. v. Hargett*, 400 F. Supp. 3d 706 (M.D. Tenn. 2019) (granting preliminary injunction against laws that placed burdens on activity of third party voter registration organizations).
- 111 Nick Paschal, *Kamala Harris Says Trump is Contributing to 'A Faulty Census' Over Citizenship Question: 'Highly Irresponsible'*, Yahoo Ent. (July 12, 2019), <https://www.yahoo.com/entertainment/despite-trump-backing-down-from-census-question-kamala-harris-claims-damage-has-been-done-075127825.html?>
- 112 See generally *Trump v. New York*, 592 U.S. 125 (2020); *Dep't of Com. v. New York*, 588 U.S. 752 (2019).
- 113 Equal Representation Act, H.R. 7109, 118th Cong. (2023-2024).
- 114 Robert Santos, *Meeting our Future: Improving Race/Ethnicity Data with Updated Federal Standards*, U.S. Census Bureau (Apr. 8, 2024), <https://www.census.gov/newsroom/blogs/director/2024/04/improving-race-ethnicity-data.html>.
- 115 *Updated OMB Standards a Major Step Forward for Accurately Measuring Nation's Diversity*, The Leadership Conference on Civ. & Hum Rts. (Mar. 28, 2024), <https://civilrights.org/2024/03/28/the-leadership-conference-applauds-new-federal-standards-for-race-and-ethnicity-data-collection/>.
- 116 *The Leadership Conference Urges the Census Bureau to Update Residence Rules*, The Leadership Conference on Civ. & Hum Rts. (June 21, 2024), <https://civilrights.org/resource/update-residence-rules/>.
- 117 Samantha Osaki, Lalita Moskowicz & Mario Jimenez, *New Census Bureau Data Offers a Chance to Dismantle Prison Gerrymandering*, ACLU (June 21, 2021), <https://www.aclu.org/news/prisoners-rights/new-census-bureau-data-offers-a-chance-to-dismantle-prison-gerrymandering>; see also Garrett Fisher, Taylor King & Gabriella Limón, *Prison Gerrymandering Undermines our Democracy*, Brennan CTR. Just. (Oct. 22, 2021), <https://www.brennancenter.org/our-work/research-reports/prison-gerrymandering-undermines-our-democracy>.
- 118 U.S. Const. amend. XIV, § 2.; U.S. Const. art. 1, § 2, cl. 3; see also 13 U.S.C. § 141(a); 2 U.S.C. § 2a(a).
- 119 Jade Martinez, *Fair Maps are Coming, Ohio. Breaking Down the Citizens Not Politicians Campaign*, ACLU Ohio (Oct. 12, 2024), <https://www.acluohio.org/en/news/fair-maps-are-coming-ohio-breaking-down-citizens-not-politicians-campaign>; Jarvis Dortch, *The Fight for Maps is Not Over*, ACLU Miss. (Feb. 21, 2024), <https://www.aclu-ms.org/en/news/fight-fair-maps-not-over>; Paul Bowers, *We're Still Fighting For Fair Electoral Maps in South Carolina*, ACLU of S.C. (Aug. 29, 2023) <https://www.aclusc.org/en/news/were-still-fighting-fair-electoral-maps-south-carolina>.
- 120 *Allen v. Milligan*, 599 U.S. 1 (2023).
- 121 *Alpha Phi Alpha Fraternity v. Raffensperger*, No. 1:21-CV-05337-SCJ, 2023 WL 7037537 (N.D. Ga. Oct. 26, 2023); *Mississippi State Conf. of the NAACP v. State Bd. of Election Comm'rs*, No. 3:22-CV-734-DPJ-HSO-LHS, 2024 WL 3275965 (S.D. Miss. July 2, 2024); *Nairne v. Ardoin*, No. CV 22-178-SDD-SDJ, 2024 WL 492688 (M.D. La. Feb. 8, 2024); see also Press Release, ACLU, Louisiana Congressional Map with Two Majority-Black Districts Set for 2024 Elections After Supreme Court Issues Emergency Stay (May 15, 2024), <https://www.aclu.org/press-releases/louisiana-congressional-map-with-two-majority-black-districts-set-for-2024-elections-after-supreme-court-issues-emergency-stay>.
- 122 *Missouri State Conf. of the NAACP v. Ferguson-Florissant Sch. Dist.*, 201 F. Supp. 3d 1006 (E.D. Mo. 2016), *aff'd*, 894 F.3d 924 (8th Cir. 2018); Amended Complaint, *Coca v. City of Dodge City*, No. 22-cv-1274 (D. Kan. Jan. 3, 2023).
- 123 *N.Y. Communities for Change v. Cnty. of Nassau*, No. 602316/2024 (N.Y.S. complaint filed Feb. 7, 2024).
- 124 Press Release, NYCLU, NYCLU & Advocates Alert Nassau County of First Possible NYVRA Redistricting Challenge (Dec. 14, 2023), <https://www.nyclu.org/press-release/nyclu-advocates-alert-nassau-county-first-possible-nyvra-redistricting-challenge>.
- 125 See, e.g., *League of Women Voters of S.C. v. Alexander* (S.C. S. Ct. complaint filed July 29, 2024); *League of Women Voters of Ohio v. Ohio Redistricting Comm'n*, 2022-Ohio-789, 168 Ohio St. 3d 309, 198 N.E.3d 812, available at <https://www.aclu.org/cases/league-of-women-voters-of-south-carolina-v-alexander>.
- 126 Press Release, White House, Statement from Vice President Kamala Harris on Administration's Voting Rights Efforts (June 1, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/01/statement-from-vice-president-kamala-harris-on-administrations-voting-rights-efforts/>.

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