

TOP 5 WORST PROVISIONS IN THE AMERICAN CONFIDENCE IN ELECTIONS ACT

On July 10, 2023, members of the U.S. House of Representatives introduced the American Confidence in Elections Act ("ACE Act") during a field hearing in Atlanta, GA. **The bill claims to equip states with tools for preserving election integrity, political speech, and donor privacy. However, the ACE Act would make it harder for voters—particularly Black voters and voters of color—to vote.** Below is a look at projected negative impacts that five of the worst provisions of the ACE Act could have on voters.

ACE ACT SECTION

PROJECTED NEGATIVE IMPACT ON VOTERS

VOTER ID REQUIREMENT FOR MAIL BALLOTS – SECTION 125. This section would require all voters who want to vote by mail to either request their mail ballot in person or submit a form of voter ID with their mail ballot application. The bill would also require states that proactively send voters mail ballots to have those voters include a form of voter ID when they mail their ballots back.

This provision will require voters to choose between requesting a mail ballot in person or printing a copy of their Voter ID if a state does not allow them to list their driver's license number or the last four digits of their Social Security Number. Requiring voters to list their driver's license or state-issued ID number with their voter materials is not a workable alternative. This requirement led to serious problems in Texas, where eligible voters had their mail ballots rejected at astonishing rates after the passage of a similar requirement. And in Georgia, 5.6% of all Black registrants do not have the ID required under the state's mail ballot voter ID provisions compared to only 2% of white registrants.

DOCUMENTARY PROOF OF CITIZENSHIP FOR VOTER REGISTRATION – SECTION 123. The section would amend the National Voter Registration Act ("NVRA") to allow states to require every person registering to vote to provide additional documentation proving their citizenship.

In 2013, the U.S. Supreme Court found that Arizona's proof of citizenship law violated the NVRA. A 2006 survey by the Brennan Center for Justice found that as many as 13 million U.S. citizens do not have access to citizenship documents. Further, those without access to these documents will have to pay to acquire these documents.

INVALIDATE PRESIDENT BIDEN'S EXECUTIVE ORDER ON PROMOTING ACCESS TO VOTING – SECTION 132. This section of the ACE Act would prevent federal agencies from encouraging citizens to register to vote and taking action to make it easier for them to vote.

When government agencies increase access to voter registration, millions of voters make use of that opportunity. Yet states have been uneven in providing this opportunity through state public assistance agencies as required by the NVRA. President Biden's Executive Order was a major step towards making registration and voting more accessible for Americans through collaboration with federal agencies. The ACE Act actively seeks to decrease these opportunities by revoking that Executive Order.

HOSTILE TAKEOVER OF WASHINGTON D.C.'S LOCAL ELECTION LAW – SEC. 143. This section would rollback D.C.'s voting laws in several ways, including but not limited to banning Same Day Voter Registration ("SDR"), requiring D.C. to have photographic poll books at each polling location, limiting access to ballot drop boxes and reducing early voting days for D.C. voters.

A 2021 study by Dēmos found that states and the District of Columbia experienced higher voter turnout after they implemented SDR. Additionally, studies have found that laws in states that limit access to ballot drop boxes and early voting have a disproportionately negative impact on voters of color.

ALLOWS THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO PLAY A ROLE IN REDISTRICTING: Section 502 of the bill would allow the Speaker of the U.S. House of Representatives to file an original redistricting lawsuit or intervene in an existing redistricting lawsuit, giving the Speaker of the House an unnecessary say over how Congressional districts are drawn.

This provision would insert the Speaker of the U.S. House of Representatives into a process that is unique to each state. It allows the Speaker to file or join a federal redistricting lawsuit in a state that the Speaker does not represent. The Speaker would serve no legitimate role as a party in such a suit. In states that have enacted independent redistricting commissions to draw maps, the intervention of the Speaker could be seen as an attempt to interfere with a process that was intended to depoliticize redistricting and to empower the voters.