



# The Bipartisan Origins & Impact of the For the People Act (H.R. 1/S. 1)

Campaign Legal Center  
January 2021



The **For the People Act (H.R. 1/S. 1)** is a comprehensive piece of legislation that would address the critical challenges facing the democratic systems of our Republic. The democracy reforms in H.R. 1/S. 1 are drawn from bills that have long had bipartisan political sponsorship at both the federal and state levels and are broadly supported by the American people across the political spectrum. Moreover, the For the People Act would address problematic practices employed by both Democrats and Republicans.

Politicians and special interest groups who want to preserve a broken status quo have criticized the reforms of the For the People Act as partisan—but their critiques do not stand up to reality.

This memo examines the bipartisan lineage and bipartisan effect of key H.R. 1/S. 1 provisions.

## Modernizing Voter Registration (Title I, Subtitle A)

Voters of all political stripes should have confidence that their right to vote will not be threatened by error-prone and discriminatory registration systems and practices. Modernizing voter registration to make it more accurate is one of the most important steps we can take to secure our elections by ensuring that voters' information is up to date.

H.R. 1/S. 1 includes several provisions to secure our elections and protect the voting rights of all Americans—Republicans and Democrats. These provisions are drawn from well-established practices in both red and blue states, and reflect bipartisan Congressional legislation.

First, H.R. 1/S. 1 provides for Automatic Voter Registration (AVR), where eligible citizens would be automatically registered to vote when they interact with government agencies like the DMV. Voters would retain the option to "opt out" of registration if they desired. AVR has been successfully [adopted and implemented](#) in 16 states—including red and purple states like [West Virginia](#), [Alaska](#), and [Georgia](#)—often with bipartisan support. In [Illinois](#), for example, AVR passed unanimously across party lines, and was signed into law by the state's Republican governor. Ohio's Republican Secretary of State [supports](#) an AVR effort in that state. Republican-sponsored federal bills like the "[Restoring Faith in Elections Act](#)" would also adopt national AVR standards.

Second, H.R. 1/S. 1 provides for online and same day registration, which reflects practices already in place in dozens of states—red, blue, and purple. [40 states](#) and the District of Columbia offer online voter registration, and one more (Oklahoma) has enacted online registration legislation and is currently phasing-in its implementation. [21 states](#) and the District of Columbia allow for same day registration, which protects the rights of voters who have been erroneously removed from the rolls by allowing them to securely register immediately before casting their ballot. States like Idaho, Wyoming, and Iowa have successfully allowed voters to register at the polls for over a decade, a move [supported](#) by Republican and Democratic state election officials.

Third, H.R. 1/S. 1 makes a number of other broadly supported technical improvements to strengthen the security and reliability of the voter registration process. These include promoting use of the Electronic Registration Information Center (ERIC) interstate cross-check system and prohibiting interference with voter registration.

## Voting Rights Restoration (Title I, Subtitle E)

In recent years, Republicans and Democrats across the country have united behind the concept of redemption, and worked to ensure that formerly incarcerated individuals can become part of the political community. States like [Alabama](#), [Arizona](#), and

[Louisiana](#) have enacted legislation to restore voting rights for the formerly incarcerated, and Republican governors like Iowa's Kim Reynolds have similarly [restored](#) voting rights through executive action. In Florida, conservatives and progressives [worked together](#) to pass Amendment 4 and restore the voting rights of formerly incarcerated Floridians.

Moreover, rights restoration has been [supported by](#) established nonpartisan groups like the American Probation and Parole Association, the American Bar Association, and a long list of religious and law enforcement groups, as well as conservative and libertarian groups [like](#) the Cato Institute and R Street Institute. H.R. 1/S. 1 would codify this growing bipartisan consensus. Under the bill, once a formerly incarcerated person is living in the community, they may participate in our democracy and vote in federal elections.

## Voting By Mail (Title I, Subtitle I)

Broad access to vote by mail has traditionally been supported across party lines and has long been securely available in a majority of states, both red and blue. [29 states](#), from Alaska to Florida, provide for permanent no-excuse absentee and mail voting, which means that any voter can request a mail-in ballot without providing an excuse. Utah and four other states go further and conduct *all* [elections by mail](#), automatically sending eligible voters a ballot, and states like Nebraska and North Dakota allow counties to choose to conduct all-mail elections (and many counties do so).

Even after vote by mail became politicized in 2020, many conservative leaders remained outspoken proponents of the practice, and it remained popular with voters across the political spectrum. As [one 2020 letter](#) from right-of-center leaders noted, "voting by mail is an extremely popular proposal among voters of all political persuasions; according to Reuters, 72% of U.S. adults support a requirement for mail-in ballots in the 2020 elections, including 65% of Republicans."

H.R. 1/S. 1 ensures that the vote-by-mail practices long used in [states like](#) Idaho and Kansas are accessible to all Americans. Under the legislation, all Americans who are eligible to vote may request a mail ballot. H.R. 1/S. 1 would also streamline vote by mail practices to ensure they are secure, easy to navigate, and effective.

## Early Voting (Title I, Subtitle H)

Voters of all political stripes can face obstacles in getting to the polls on election day, including disabilities, employment obligations, or childcare needs. These challenges can prevent Americans from making it to a polling place on the first Tuesday in November, thus losing their basic right to vote. To address this reality, the vast majority

of states provide for early voting.

39 states, both red and blue, [provide for early voting](#), with the average early voting period running 19 days. Both Republicans and Democrats have long taken advantage of early voting in the states where it is available.

Drawing from the lessons of Republican and Democratic states, H.R. 1/S. 1 would ensure that voters in all states, of any political party, can access at least 14 days of early voting. Consistent and predictable early voting access helps shorten lines on election day and makes it easier for election officials to identify and resolve problems early in the process

## Independent Redistricting Commissions (Title II, Subtitle E)

In red, blue, and purple states alike, partisan state legislators have manipulated the redistricting process to consolidate their own political power. Partisan gerrymandering strips both Republican and Democratic voters of their right to have their votes count equally and of their ability to elect candidates of their choice.

Republicans and Democrats in states across the country have turned to Independent Redistricting Commissions (“IRCs”) to ensure that district boundaries are not beholden to any political party.

The first IRC in the United States was adopted by ballot referendum in Arizona in 2000 with [56% support](#), in the same year that George W. Bush won that state’s presidential electors. The next IRC was adopted in California, where it was proposed and promoted by Republican Governor Arnold Schwarzenegger. Once out of office, he formed the Schwarzenegger Institute to promote democratic reforms across the country. In 2018 the Institute [supported the adoption of IRCs](#) in Colorado, Michigan, Missouri, and Utah.

However, most states do not have a ballot initiative process, and state legislators have been generally unwilling to pass legislation that limits their ability to manipulate redistricting for partisan gain. Even in states where voters have approved IRCs via ballot referenda, like Utah and Missouri, state legislatures have then rolled-back the reforms.

H.R. 1/S. 1’s solution is to require that each state establish an independent redistricting commission responsible for developing and enacting congressional redistricting plans. H.R. 1/S. 1 sets forth criteria and rules for appointment to the commission, procedures for commission business, and standards for developing a redistricting plan, including avenues for public input.

This commonsense reform would represent a major step toward impartial electoral maps and is broadly supported by the public. A 2017 Campaign Legal Center poll found that [an overwhelming majority \(73%\) of voters support removing partisan bias from redistricting](#), even if it means their preferred political party will win fewer seats. The

reform is also supported by nonpartisan institutions like the [American Academy of Arts & Sciences](#), and reflects the solutions offered in [bipartisan bills](#) like the “Citizen Legislature Anti-Corruption Reform of Elections Act.”

## Transparency in Elections: DISCLOSE Act (Title IV, Subtitle B)

Polls show that [voters across the political spectrum](#) overwhelmingly support transparency for political contributions: a 2019 Campaign Legal Center poll found that more than four-out-of-five voters (83%) support public disclosure of donations to politically active groups. And for many years, members of Congress from both parties supported disclosure. In a 1997 op-ed, for example, Senator Mitch McConnell [wrote](#) that “[p]ublic disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.”

Senator McConnell was right. We need real transparency about who is spending big money on elections to reduce the influence of wealthy special interests and promote government accountability.

In the 2020 election, [at least \\$750 million](#) was spent by so-called “dark money” entities that kept their donors hidden from the public. Because those groups do not publicly report their donors, the public does not know whether the sources of those funds are domestic or foreign, or what those secret donors might be getting in return.

H.R. 1/S. 1 closes dark money loopholes by requiring disclosure when wealthy donors give \$10,000 or more to groups that spend money on elections. Analogous disclosure bills have been introduced and passed at the state level on a bipartisan basis. For example, Montana’s dark money disclosure bill was [introduced in 2015 by a Republican state senator](#) and passed with bipartisan majorities in each chamber.

Moreover, in [recent election cycles](#), more dark money has been reported supporting Democrats than Republicans. So H.R. 1/S. 1’s transparency provisions may actually bring more Democratic dark money into the sunlight than Republican.

## Transparency for Digital Political Advertising: Honest Ads Act (Title IV, Subtitle C)

According to some estimates, [over \\$2 billion](#) was spent on digital political ads in the 2020 cycle, but thanks to outdated statutes and FEC regulations, many of those ads evaded the transparency requirements that apply to other mediums. These transparency loopholes have been exploited by foreign interests seeking to meddle in U.S. elections.

To address these digital transparency gaps, H.R. 1/S. 1 draws from the Honest Ads Act,

a bill introduced in [2017](#) and again in [2019](#) with bipartisan co-sponsorship in both the [House](#) and [Senate](#). H.R. 1/S. 1's Honest Ads Act provisions modernize campaign finance law and ensure that digital ads are subject to the same disclaimer and disclosure requirements that currently apply to ads run on any other medium. The legislation also requires big platforms to create publicly available archives of digital political ads. The Honest Ads Act has been supported by nonpartisan institutions like [Freedom House](#), and similar digital transparency bills have attracted bipartisan support in states like [North Carolina](#).

Not only are H.R. 1/S. 1's digital transparency reforms sourced from bipartisan legislation, but they also would have a bipartisan impact. The Campaign Legal Center has [documented](#) how digital transparency loopholes have been exploited by both [Democrats](#) and [Republicans](#).

## Small Dollar Public Financing (Title V)

Strengthening transparency, reining in super PAC coordination, and improving enforcement are critical measures to limit the secret influence of wealthy special interests. Public financing, however, will go the furthest towards creating a government that looks like, and is responsive to, the country as a whole.

H.R. 1/S. 1 enacts a voluntary small dollar matching program for Congressional and Presidential races to amplify the voices of average Americans. The system is financed by fines on corporate and executive wrongdoing, rather than funded by taxpayers.

Public financing is not a new idea. For many years, presidential candidates from both major parties took advantage of the presidential public financing program, until it became outmoded as practices changed, the costs of campaigns outstripped the funds available, and Congress failed to update the program. Every Republican presidential nominee from 1976 to 2008 used the presidential public financing system for their general election campaigns. This included President Gerald Ford, President Ronald Reagan (twice), President George H.W. Bush, Senator Bob Dole, President George W. Bush (twice), and Senator John McCain.

Moreover, states have enacted successful public financing programs, often with bipartisan support, and with both Republicans and Democrats taking advantage of the programs.

- In 1996, for example, voters in Maine approved a public financing program in that state, and in the years since, both Republican and Democratic candidates have [successfully run for office](#) under the program.
- In 1998, Arizona voters across the political spectrum approved the Arizona

Citizens Clean Elections Act, and in the years since, candidates from both parties have used the public financing program. In 2020, Republican and Democratic candidates participated in the program at [nearly equal rates](#).

- Minnesota has had a [public financing program](#) since 1974, which today offers partial grants and a tax refund for small contributions; the [vast majority](#) of Minnesota candidates use the program, both Republican and Democrat. Between 2002 and 2018, the state's Republican Party [received](#) more than twice the amount of contributions through the political contribution refund program as the state's Democratic Party.
- In 2005, in the wake of a corruption scandal, Connecticut's Republican governor called a special session and worked with the legislature to craft that state's [public financing program](#), which she [signed into law](#). Since then, the program has been used by candidates from both parties. Even Republican legislators who did not support the legislation at the time have come to appreciate its benefits. Former Republican Senate Minority Leader John McKinney and former House Minority Leader Larry Cafero [both credit](#) the program with helping Republicans compete more effectively in largely blue Connecticut.

H.R. 1/S. 1's public financing provisions are distinct from those of the old presidential program and some state programs. Rather than giving qualifying Congressional candidates cash grants, H.R. 1/S. 1 offers a 6-to-1 match on small-dollar contributions up to \$200. A federal matching system like H.R. 1/S. 1's is [supported](#) by nonpartisan groups like the Committee for Economic Development of the Conference Board (CED).

Both parties have developed [robust networks](#) of small dollar donors, and H.R. 1/S. 1's public financing program would amplify the voices of those grassroots supporters.

## FEC Reform: Restoring Integrity to America's Elections (Title VI, Subtitle A)

The Federal Election Commission (FEC) gets little attention for such an important agency, but it is a major contributing factor to the problems in our campaign finance system. The failure of the FEC to enforce campaign finance laws has resulted in an explosion in secret spending and our politics increasingly rigged in favor of wealthy special interests.

Under the agency's current six-member structure, the FEC has become hopelessly deadlocked, and routinely fails to enforce the law against *anybody*—Democrat or Republican. In recent years, for example, it [failed to enforce the law](#) against a Democratic super PAC that openly declared it would coordinate its activities with a presidential candidate and spent more than \$9 million in the race. It [failed to enforce](#)

[the law](#) against wealthy donors who used LLCs to hide their contributions to Democratic and Republican super PACs. And it has [never](#) fined a super PAC for coordinating with a campaign, despite every election cycle revealing new instances of super PACs and candidates operating hand-in-glove.

The only winners when the FEC fails to enforce the law are wealthy special interests seeking to buy influence and politicians who thrive in a money-drenched political system. Those are the political actors seeking to protect the FEC's broken status quo.

To restructure and reform the FEC, H.R. 1/S. 1 draws from the bipartisan “Restoring Integrity to America's Elections Act.” That bill, which among other things changes the FEC to a five-member commission, was introduced with Republican and Democratic co-sponsors in [2015](#), [2017](#), and [2019](#).

H.R. 1/S. 1's bipartisan FEC reforms will help ensure that the campaign finance laws that protect the voices of everyday Americans will be enforced, regardless of whether the lawbreaker is a Democrat or a Republican.

## Stopping Super PAC-Candidate Coordination (Title VI, Subtitle B)

Since 2010, courts have permitted entities like super PACs to raise unlimited contributions from individuals and corporations on the condition that they operate independently of the candidates they support. However, in practice, many super PACs—both Democratic and Republican—have been anything but independent. Super PACs are regularly [formed or run by close aides](#) of candidates (or the candidates themselves), campaigns and super PACs [share consultants or vendors](#), and candidates [regularly fundraise](#) for “independent” super PACs.

As a result, too often, super PACs effectively operate as the big-money arm of a political campaign. This matters because close relationships between campaigns and supportive super PACs provide a way for deep-pocketed donors to evade the candidate contribution limits that are supposed to guard against corruption.

Fixing these problems is not a partisan issue. Federal bills to strengthen coordination rules, like the Political Accountability and Transparency Act, have [attracted bipartisan support](#). States have also adopted analogous measures on a bipartisan basis. In [West Virginia](#), for example, a Republican state senator was the lead sponsor of that state's coordination reform bill, which passed in 2019 with bipartisan support and was signed into law by the state's Republican governor.

H.R. 1/S. 1 reflects these bipartisan solutions by expanding the list of activities that would cause a group like a super PAC to be deemed a “coordinated” rather than an

“independent” spender, limiting their ability to spend unlimited or secret donations supporting the candidate with whom they coordinated. And, because both Democrats and Republicans have exploited the current system to work hand-in-glove with supportive super PACs, H.R. 1/S. 1 would have a bipartisan impact.

## Conclusion

Historically, when the country has confronted challenges to our democracy, Republicans and Democrats have come together to craft solutions. Following decades of voter suppression in the Jim Crow South and under pressure from the civil rights movement, Congress passed the Voting Rights Act in 1965 with bipartisan support. It was renewed with broad bipartisan support for decades to come. In the 1970s, amidst the corruption and pay-to-play revealed in the Watergate scandal, Republicans and Democrats worked together to reform campaign finance laws in the Federal Election Campaign Act. When wealthy special interests found loopholes in those laws throughout the 1980s and 1990s, Congress responded in 2002 with the Bipartisan Campaign Reform Act. After the 2000 election revealed serious flaws in voting systems and processes, Republicans and Democrats in Congress worked together to pass the Help America Vote Act. And after the Jack Abramoff corruption scandal exposed flaws in federal lobbying laws, Congress in 2007 passed the bipartisan Honest Leadership and Open Government Act.

American democracy is again in need of repair. Election administration, partisan gerrymandering, the flow of untraceable dark money, and the influence of wealthy special interests over our elections and government are problems that demand solutions. H.R. 1/S. 1 does just that.



## ABOUT CAMPAIGN LEGAL CENTER

Campaign Legal Center (CLC) is a nonpartisan, nonprofit organization based in Washington, D.C. CLC holds candidates and government officials accountable regardless of political affiliation.

## CONTACT

If you have any questions or would like to get in contact with CLC, please contact Jo Deutsch, CLC's Director of Legislative Strategy, at [jdeutsch@campaignlegalcenter.org](mailto:jdeutsch@campaignlegalcenter.org) or at 240.643.2321.