

SAMPLE BILL #4

Name: Bruce Wayne	Date: 2/10/14	Period: 1st
Party: Republican	State: Massachusetts	District (if House): N/A
Committee Referral: (Done by Ms. Strong and Party Leaders)		Appropriations Needed: <input type="checkbox"/> Yes or <input type="checkbox"/> No (check one)

Restoration and Protection of American Democracy Act
113 Congress
2nd Session

S 1234

IN THE UNITED STATES SENATE
2/10/14

A BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act may be cited as the Restoration and Preservation of American Democracy Act.

SECTION 2. STATEMENT OF PURPOSE/NEED

(1) This act is necessary to enforce the 15 th amendment to the Constitution of the United States. The 15 th amendment states “the right of citizens of the United States to vote shall not be denied or abridged.” Congress has a responsibility to pass legislation in order to protect the right of citizens of the United States to vote if it is threatened as it is in the current situation.
(2) The United States Supreme Court has ruled in <i>Shelby County v. Holder</i> that Section 4 of the Voting Rights Act of 1965 is unconstitutional because the “coverage formula” is outdated for the current conditions in regards to voting disenfranchisement. This ruling destroys the “preclearance” for states with a history of voter discrimination required to ensure no discrimination is present in their voting and election laws. This preclearance has been crucial in decreasing instances of voter discrimination and improving democracy.
(3) States are proposing voter identification laws which require more stringent requirements for voter registration. These laws are intended to address voter fraud, but they only address voter impersonation fraud at the polling place. The likely hood of one person impersonating another at the polls is approximately 1 in 700,000.
(4) Minorities and people of lower income are disproportionately affected by the new voter ID laws. Estimates are one in four African Americans are likely to not have a photo ID. People making less than \$35,000 are twice as likely to lack a government issued photo ID.
(5) 127 electoral votes in the 2012 Presidential election were decided in states where there are restrictive voter ID laws in effect therefore undermining the election process and legitimacy of our nation’s highest office by disenfranchising millions. This possibility for disenfranchisement, therefore, must be offset by a legitimate need for protection against voter fraud beyond laws already in place.
(6) States, according to legal precedent, must provide a free photo ID to eligible voters if their voter ID laws are enacted. These free photo IDs are difficult to attain for nearly 500,000 eligible voters live over 10 miles away from their closest state ID issuing office and have no vehicle for personal transportation.
(7) Gerrymandering has begun to destroy the democratic element of the United States electoral process for the House of Representatives. Only a small fraction of House seats are legitimately contested in the general election. Candidates therefore are forced to ideological extremes to win primary elections thereby destroying compromise in Congress and ruining the productivity of Congress. The 113 th Congress has been the least productive in American history and the trend is not likely to change unless the partisan atmosphere and polarization is corrected to some degree by more competitive elections for the House of Representatives.
(8) It is the written in the Constitution, Article 1, Section 4, that States have jurisdiction over elections for Senators and Representatives, but “Congress may at any time by Law make or alter such Regulations.” There is a current need to improve the United States electoral process, and therefore it is justified for Congress to exercise the power given to it by the Constitution over the States. The legal precedent for voting rights legislation was set by the Voting Rights Act of 1965 to exercise this delegated power as Section 4 of the act was only recently ruled unconstitutional by the Supreme Court due to the outdated formula, not because Congress has exceeded its authority.

SECTION 3. PROVISIONS - BENEFITS AND ELIGIBILITY.

(1) States would be determined as to whether they would be under jurisdiction of the law’s preclearance according to the standards listed in Section 4
(2) All states that would like to attempt to improve their voter turnout through improved voter education, easier voter registration, and removal of unnecessary institutional barriers to voting
(3) All states willing to redraw district voting lines to be less partisan allowing for more competitive general elections. States might be selected for mandatory redistricting if a voting rights violation has taken place due to gerrymandered districts as determined by Section 4.

SECTION 4. PROVISIONS - TERMS AND BENEFITS OF SERVICE

(1) States would be determined as to whether they would need preclearance for their election laws by a formula based upon the percentage of minority voters who vote out of the eligible population of that minority, as compared to overall voter turnout in the state as well as accessibility to voter registration for all eligible voters.
(2) States and localities that have been determined as committing a voting rights violation that has impeded the rights of any portion of the electorate in taking part of the election process would be subject to preclearance. Such violations would be determined by a court after having no further reversal on opinion from a higher court, or as determined by the Attorney General of the United States after subjected to judicial review.
(3) States and localities would be put under watch by the Civil Rights division of the United States Department of Justice if there seemed to be unnecessary impediments to voter registration that could be construed as an attempt to disenfranchise certain parts of the population.
(4) In recognition of states' sovereign rights, a state may change voting laws as determined necessary by each individual state government without interference by the federal government as long as the state has not been determined as needed for preclearance. States must notify the federal government with any changes to election laws, however, as well as provide voter education for all eligible voters to improve transparency of the legislation and prevent discreet attempts at voter discrimination.
(5) States may enact Voter ID laws in order to combat voter fraud. Statistics, however, must be published by the state government after being acquired by a nonpartisan third party source on the current prevalence of voter impersonation fraud that would be addressed by the voter ID laws enacted to ensure the necessity of the laws. Without the provided evidence as to the necessity of the law, it would be viewed as an attempt at voter discrimination by placing an unnecessary institutional barrier on voter registration that would disproportionately impact minorities segments of the population and would be sent to a court to determine as to whether it would qualify as a voting rights violation. These minorities include people of color, women, young people, and the elderly.
(6) States and localities could receive federal funds if they wished to establish programs to provide voter education and improve voter registration in an attempt to raise voter turnout among their citizens with an emphasis on segments of the population with historically low voter turnout to improve their representation and participation in the democratic process.
(7) States could be selected for mandatory redistricting for federal elections if there appears to be an attempt to dilute the impact of a person's vote or ensuring one party artificially has permanent dominance in a House district. Vote dilution of any segment of the population would be a voting rights violation subjecting the state to preclearance previously mentioned. Artificially safe general elections for House seats have led to an average incumbent reelection rate of 90% must be changed as it destroys the "habitual recollection of their dependence on the people" (Federalist 57) that was originally intended by the Founding Fathers. Therefore, all House districts would be subjected to federal oversight to ensure that there were no artificially made safe districts for any political party, and would be redrawn if necessary by a registered, nonpartisan, third party organization.
(8) States could receive federal funds, if they willingly desire to redraw district lines for state elections, to pay a registered third party, nonpartisan commission to redraw voting district lines in an effort to increase the competitiveness of general elections, thereby making the democratic process more legitimate, while still ensuring that minority segments of the population would not have their votes unnecessarily diluted and would have equal chance to be represented in the local, state, and federal governments.
(9) All nonpartisan, third party organizations used to redraw district voting lines in states and localities must be registered with the federal government and provide information on their origins, members, and funding to improve transparency and accountability.

SECTION 5. ADMINISTRATION

The United States Department of Justice Civil Rights division under the guidance of the Attorney General of the United States would work alongside state and federal courts to determine which states and localities would fall under the requirements for preclearance as set out by Section 4 of this act. The Department of Justice would play a role in ensuring the intentions of voter ID laws. There would be oversight by the Department of Justice Civil Rights division on the redrawing of district voting lines to ensure that the new lines would be truly nonpartisan to ensure greater competitiveness for federal elections for the House of Representatives and that they were void of discrimination or voter dilution. All rulings of the Department of Justice would be subject to judicial review if the ruling was in question by the local, state, or federal government. Those performing oversight in the Department of Justice would report to the Judiciary Committee of the United States Senate in hearings to keep Congressional members aware and informed of any changes to election laws or any rulings by the Department of Justice on the aforementioned changes.
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SECTION 6. AUTHORIZATION OF APPROPRIATIONS

The current money allocated to the Justice Department Civil Rights division is \$146.7 million and employment of 714 positions (383 attorneys) to ensure proper enforcement of civil rights legislation. This act requests an additional \$7.1 million and the employment of 70 positions (35 attorneys) to ensure that the provisions of this act are properly carried out across the country. These funds are crucial in keeping the legitimacy of the United States democratic system and ensuring that all eligible citizens have an equal right and opportunity to vote. In regards to state programs, each state that is willingly complying with the provisions in this act will submit specific proposals to Congress in which they would determine the resources needed in their individual state to implement the programs to improve voter education and voter registration. States that desire to redraw district lines may submit proposals to Congress to gain funds in order to pay a registered nonpartisan, third party source to redraw district voting lines for state elections. A sum of \$50 million dollars would be allocated to pay for any mandatory redistricting for federal elections for the House of Representatives in each of the 50 states.

SOURCES (Provide the list of all sources used in researching the bill including name of source and website link if online)

<ol style="list-style-type: none">1. Senate website - http://www.senate.gov2. Brennan Center For Justice - http://www.brennancenter.org/3. Lawyers' Committee for Civil Rights Under Law - http://www.lawyerscommittee.org/4. The National Archives - http://www.archives.gov/5. Open Secrets Center for Responsive Politics - http://www.opensecrets.org/6. The United States Department of Justice Website - http://www.justice.gov/7. The Federal Bureau of Investigation Website - http://www.fbi.gov/8. The Supreme Court of the United States Website - http://www.supremecourt.gov/9. American Bar Association - http://www.americanbar.org/10. Federalist 57 by James Madison
