

Elections / Democracy Reform Topic Paper  
NFHS Policy Debate Topic Committee 2022

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## Table of Contents

Introduction:	3
Timeliness and Interest:	4
Sample Resolutions:	6
Key Issues:	7
Campaign Finance	7
Electoral Integrity	9
Gerrymandering	10
Voter Fraud/Voter Identification	12
Voting Rights	12
Voter Accessibility:	13
Broader “Democracy” Reforms	15
Electoral College:	17
Debating This Topic:	18
Harms:	18
Solvency:	21
<b>Voting Mechanisms, Agents, and Processes</b>	21
<b>Proposed Federal Legislation on Voting Rights and Elections</b>	21
<b>The Freedom to Vote Act</b>	21
<b>The John Lewis Voting Rights Advancement Act</b>	22
<b>The Electoral Count Act</b>	23
<b>The Federal Election Commission</b>	23
<b>Departments of Motor Vehicles</b>	24
Survey of Relevant Court Cases	25
Affirmative Ground / Sample Affs	27
Negative Ground / Neg Ground	28
Scope:	29
Literature Base: Accessibility, Range, Material	30
Terms:	31
About the Authors:	36
Bibliography	37

## Introduction:

This paper is drawn from several previous proposals from 2013 and 2019. That paper opened with the following quote from Al Gore to a question from Jeff Goodell regarding whether our democracy has been hacked. Gore said:

*“Yes. It has been captured and distorted and no longer operates as it was intended by our founders. It more often serves the interests of those who have found a way to take control of its operating system. It’s not as if there was a pure golden age of democratic innocence and then all of a sudden it became functionally corrupt and distorted. From the earliest days, wealth and power always struggled against the efforts of those who want to institute reforms. In the past, periods of excess were soon followed by periods of reform and cleansing and a reassertion of the essential purposes of American democracy. The Progressive Era was one such period of reform, as was the New Deal. But as a consequence of our historic transition from being a republic of letters to a republic of television, there has been a solidifying of corporate and special-interest influence.”* (Goodell, 40)

The preceding quote is as true now as it was when it led off the 2013 paper, if not more so. Campaign finance appears to be even less transparent than has previously been the case, and continues to be in the headlines (*See Federal Election Commission v Ted Cruz for Senate, 5/16/2022, not fully included due to its recency*). Attempts to promote election “integrity” through limiting voting rights of qualified individuals received official sanction, if but temporary, at the highest level of our government, and have become major political issues on both sides of the aisle for the coming elections. Gerrymandering remains a problem and even if there have been some successes, they have been localized and the institutions of the federal government haven’t addressed this issue in a serious or sustained way; and given the decisions of the Supreme Court, it does not appear that they are going to take the lead on this issue, leaving it as a political question to be addressed by other institutions. The COVID-19 pandemic forced adjustments to how we vote and how we communicate to voters that are now being litigated across the country, and our laws regulating campaigns still haven’t been updated to reflect a digital age.

## Timeliness and Interest:

Like the classic blue blazer and khaki pants, a policy debate topic related to electoral reform is unlikely to go out of style anytime soon. However, this is uniquely true in the 2023-2024 debate season as the nation will begin the 2024 primary season midway through the topic's lifespan and given all the recent discourse about election integrity, this will be the first test of the strength of our institutions at the presidential level after the tumultuous aftermath of the 2020 election cycle. One of the main issues in the campaign, regardless of the exact candidates who end up running, will be election integrity, election reform, and the processes through which we participate in our democracy. Having students debate this issue during a cycle where a crucial election is gearing up, but won't change the topic mid-season based on the results will harness intense interest in the election from young people, and be a highly impactful tool to help educate them about the substance, instead of the horse race coverage that dominates cable news.

There have now been several election cycles since *Citizens United v. FEC*, yielding the ability to have longitudinal data both to the rate of spending but also to its impacts in terms of effecting election results and the attention paid by politicians to donors. While there have been between a handful and a couple handfuls of Lincoln-Douglas and Public Forum topics that have addressed electoral issues (e.g. September/October '13 on compulsory voting in Lincoln-Douglas, NSDA '16 on one-day primary in Public Forum), the college policy debate community last took up anything related to electoral reform in the Fall 1984 CEDA resolution ("That the method of conducting presidential elections in the United States is detrimental to democracy") and the high school policy debate community last took this issue up in the 1974-1975 season ("Resolved: That the United States should significantly change the method of selection of presidential and vice-presidential candidates."), during which time the community has debated all of the following topics on at least two occasions: immigration, education (three times), China, health care/insurance, space, oceans (twice), Latin America, space, Russia, poverty, among others. While not intending to denigrate those topics, it does bear mentioning that only a very few active coaches will have even so much as debated this topic the last time it was contested at the high school level (a freshman who debated the 1974-1975 season would now be in their early 60s, and a coach who just started their career on the presidential selection topic would likely be knocking on the door of 70; for perspective, one of our authors, Darin Maier, who has now been AARP-eligible for a couple years, was in kindergarten the year high schoolers considered the presidential/vice-presidential selection resolution).

There are several other issues that may make such a discussion an important one to have. The first, which was perhaps even less true in 2013 than it is now, involves the Supreme Court's unlikelihood to act to address the issues of campaign finance, and electoral reform in any way that limits what politicians can do – in fact, it seems more likely that the Supreme Court is going to move in a direction of deregulating campaigns or treating them as political questions, evidenced by a host of recent decisions.

As prominent scholar and debate author Norm Ornstein has warned:

*"[B]y 2040 or so, 70 percent of Americans will live in 15 states. Meaning 30 percent will choose 70 senators. And the 30% will be older, whiter, more rural, more male than the 70 percent."*

Despite these warnings, in recent decisions related to gerrymandering, the Court has explicitly said that they're staying out of this "political question." Especially after the redistricting battles of the 2020 election cycle, the country is potentially locking in minoritarian rule.

Lastly, policy debaters continue to “fiat” large changes on topic after topic, yet the changes they advocate for seem further from reality than ever before. Indeed, demands for structural changes across a wide spectrum of policy areas have gotten louder and louder from both sides of the aisle, but no change occurs. Large scale political protest is growing, ranging from issues like Black Lives and Abortion Rights to Climate Change, Immigration, and Gun Rights. Getting some of the best and brightest young minds to research and think about reforms to our sclerotic democratic processes that might unstick these important policy questions and make our democracy more responsive again will result in more informed voters, advocates, and activists, and might just do our country a lot of good.

# Sample Resolutions:

We have provided a range of resolutions for consideration by the wording committee, most designed to avoid the more one-sided debates discussed elsewhere in the paper, such as about electoral college reform.

1. **Resolved: The United States federal government should substantially increase its regulation of elections in one or more of the following areas: drawing of legislative districts, campaign finance, electoral integrity, foreign electoral intervention, strengthening voting rights.**

\*This is our favorite resolution. There was some debate about if foreign electoral intervention should be included or if it will be already debated on NATO or other topics. It is easily removed if repetitive, and partially overlaps with electoral integrity anyway. We specifically used the term drawing of legislative districts instead of gerrymandering, as that term comes with connotations that might make the T debate tricky.

2. **Resolved: The United States Supreme Court should overturn one or more of the following cases: *Citizens United v. FEC*, *Shelby County v. Holder*, *Rucho v. Common Cause*, *Brnovich v. DNC*.**

Whether the committee wants to use a court as an actor or not, we believe that overturning one or more of these cases should be topical actions.

3. **Resolved: The United States federal government should substantially reform Congressional and Presidential elections.**

This resolution is pretty broad, and also focuses the debate away from state/local changes.

4. **Resolved: The United States should significantly reform its elections.**

This is the simplest and broadest option.

5. **Resolved: The United States federal government should substantially strengthen regulation of elections and/or election campaigns in the United States.**

This resolution expands to include a different set of topics under campaigning, which there is a wealth of options for debate discussed later.

# Key Issues:

## Campaign Finance

As was the case in the 2013 paper, the last significant federal legislation on campaign finance was the Bipartisan Campaign Finance Reform Act, passed in 2003. One of the key goals of that legislation was to restrict the proliferation of “soft money” into politics, which are donations made to parties and committees, compared to “hard money”, which is given directly to a candidate and is more stringently regulated. Supreme Court cases whittled away many of the intended goals of the BCFRA, the most notable of these being *Citizens United v. FEC* (2010), which, along with the District of Columbia Court of Appeals decision in *SpeechNow.org v. FEC* (2010), rendered many of those provisions ineffective when it ruled that limitations on organizations receiving corporate or union money to run electioneering communications were violative of the free speech provisions of the First Amendment. This led to the rise of the independent expenditure-only committees (more commonly referred to as SuperPACs), organizations that can perhaps best be described as detached arms of a campaign, in that they may act in support of a particular candidate so long as they do not “coordinate” with the candidate’s official campaign organization. That distinction is often one of a more technically legal nature than a practical one, as often those who form SuperPACs have some history with the candidate whose cause they are attempting to advance. Subsequently, *McCutcheon v. FEC* (2013) further held that aggregate limits on individual contributions to a national party and candidate committees also violated these same free speech provisions.

The upshot of this has been a massive expansion in the amount of outside spending entering into federal campaigns. The Center for Responsive Politics’ website [opensecrets.org](http://www.opensecrets.org) shows the following outside spending totals from 2008 (the election cycle immediately prior to *Citizens United*) through to the most recent midterm elections.

Cycle	Total	Independent Expenditures	Electioneering Communications	Communication Costs
2018	\$1,075,349,186	\$1,058,563,604	\$14,689,708	\$2,095,874
2016	\$1,417,422,485	\$1,388,949,416	\$10,473,378	\$17,999,691
2014	\$567,026,509	\$549,364,340	\$8,558,578	\$9,103,591
2012	\$1,039,268,129	\$1,002,666,551	\$15,437,830	\$21,230,660
2010	\$309,833,966	\$205,519,016	\$79,291,379	\$25,023,571
2008	\$338,441,092	\$143,659,191	\$131,137,181	\$63,644,720

(Source, [https://www.opensecrets.org/outsidespending/cycle\\_tots.php](https://www.opensecrets.org/outsidespending/cycle_tots.php), data collected by the Center for Responsive Politics, last accessed 4-16-19)

Within these outside expenditure groups are what are known as 527s. While technically all such outside groups are organized under Section 527 of the Internal Revenue Code, the common definition of a 527 is a group that does not “expressly advocate” for or against a particular candidate, though their communications usually make it pretty easy to determine who their favored candidate is. One of the earliest and most well-known of these is probably *Swift Boat Veterans for Truth*, which organized against John Kerry’s quest for the presidency in 2004, with the bulk of the organization’s money coming from 3 individuals. This represents the concern that citizens have about 527s, in that they offer the opportunity, perceived or real, for donors to impact elections by the sheer weight of their donation. A 2018 report by the Pew Research Center found “extensive support for reining in campaign spending: 77% of the public says ‘there should be limits on the amount of money individuals and organizations’ can spend on political campaigns” with there being bipartisan support for that position as “71% of Republicans and Republican-leaning independents” and “among Democrats and Democratic leaners, even larger majorities favor spending limits (85%).” (Pew Research Center)



## Electoral Integrity

For the purposes of this paper, I am going to address some of the issues related to voter fraud and voting rights in another section. Here, however, it seems most appropriate to consider other issues, particularly since Russia interference in our election procedures has been so much in the news. For example, the New York Times on April 26 reported that, “Slipped into the long-anticipated special counsel report on Russian interference in the 2016 election last week was a single sentence that caused a stir throughout the state and raised new questions about the vulnerability of the nation’s electoral systems. Although the spearphishing attempt in Florida had first been brought to light nearly two years ago when The Intercept cited a secret National Security Agency report, state officials said they were certain no elections computers had been compromised. The Mueller report turned that assertion on its head. ‘The F.B.I.,’ it said, ‘believes that this operation enabled the G.R.U. to gain access to the network of at least one Florida county government.’” (Robles). Robles continues to note that the attack appears to have placed “the hackers...’in a position’ to change voter roll data” and while that was not acted upon, “such an intrusion could have been devastating...on Election Day you go vote and have mass confusion because voter registration has been deleted from the systems.” (Robles)

It is these state election websites that represent the “soft targets” of our efforts to protect election integrity, since unlike voting machines, they are connected to the internet all the time and contain the ability to have a greater impact on the reporting of election results. In fact, many of these websites are so insecure that, as *The Guardian* noted, “the actual difficulty of such an attack is child’s play. Literally.” (Hern) At the Def Con hacking conference, the organizers used the project of hacking into a state’s election website as an activity for the children of conference attendees to test their skills, where “It took an 11 year-old girl 10 minutes to do it,...and she was the first one. After that, the convention cycled to a new state’s website every 30 minutes, and another child would break it in less than a quarter-hour, over and over. At the point I arrived in the room, the website for the state of Colorado was being projected on the wall, declaring that the candidate for the ‘Communism’ party, Kim Jong-un, had won the state’s election with one quadrillion votes. (The runner-up, the rapper Lil Pump, apparently standing for the Democratic party, had just under 46m votes.)” (Hern)

Additionally, there is also the issue of a number of states still lacking voting machines that provide a paper trail in order to independently verify the vote totals. “In 2019, 12 states still use paperless electronic machines as the primary polling place equipment in at least some cities and towns (Delaware, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, New Jersey, Pennsylvania, South Carolina, Tennessee and Texas). Four (Delaware, Georgia, Louisiana, and South Carolina) continue to use such systems statewide.” (Norden and Cordova) Perhaps even more disconcerting is that despite the antics of the 2016 election cycle, a number of election officials around the country, particularly in Texas, are content to replace their paperless systems with other paperless systems. The authors from the Brennan Center continue to note that “Despite the recent attention to election security, and repeated warnings by security experts that voting machines should have a voter-verified paper backup, several counties in Texas have purchased machines without a paper trail since 2016.” (Norden and Cordova) While a large scale attack on voting machines may be believed to be difficult, “J Alex Halderman...one of the world’s experts on the weaknesses of voting machines...is not prepared to dismiss the risk of a direct threat to the integrity of a US election. In the course of a 30-minute talk in the Voting Village, he demonstrates two direct attacks on a popular class of voting machine, stealing a mock election in front of an audience of 50...The bad actor just needs to steal enough votes in a few counties in America’s battleground states – just enough to steal a

close election...What's more, Halderman notes...while individual voting machines aren't (or shouldn't be) connected to the internet, the PCs that are used to program the individual elections are. 'One large vendor codes the system for 2,000 jurisdictions across 31 states...many other places, like Michigan, use small businesses' – some with just six or seven employees. Hack those businesses, and an attacker could theoretically reprogram thousands of election machines at once.' (Hern)

## Gerrymandering

A key issue that appears repeatedly in this literature base is gerrymandering, referring to the drawing of legislative districts in a way to either maximize or minimize the chances for a political party to win elections in those districts. The two most common methods for this are packing and cracking. In packing, a party's supporters are consolidated into a district to ensure a majority of the vote for that party's nominees. In some cases, this can be used to concede one district to an opposing party to maximize the chances of winning multiple other districts in that state, while it can also be used to place supporters in multiple districts to maximize the prospects of winning most of an area's legislative seats. In cracking, a block of support for a party is divided up, or cracked, between multiple districts, usually to ensure that the party being cracked will not be a majority in any of the districts into which they have been divided.

The legal position of the Supreme Court on gerrymandering depends on the purpose for which the gerrymandering is done. In *Shaw v. Reno* (1993), the Supreme Court held that redistricting done specifically to create majority-minority districts is to be held to a "strict scrutiny" standard, the most stringent level of review used by the court to evaluate claims regarding differential treatment based on race. In applying this standard, the Supreme Court ruled that the 12<sup>th</sup> District of North Carolina, which was 160 miles long and often no more than about ten miles wide, failed to meet this bar. The Supreme Court does not hold that all majority-minority districts are unconstitutional. This is not to say that all majority-minority districts were to be held unconstitutional (for example, both the 4<sup>th</sup> and 5<sup>th</sup> Districts of Georgia are considered to be constitutionally drawn, though both are majority African-American), but those drawn in a way that disregards compactness and contiguity to achieve a majority-minority district are less likely to pass Supreme Court muster.

While the gerrymandering of districts to achieve increased opportunities for minority representation has been held to be constitutionally problematic, the Supreme Court has yet to rule the same for districts drawn to achieve solely partisan outcomes. Here, the case law appeared to be in a state of flux until the end of this year's Supreme Court term. Over the last fifteen years, the case controlling the law on this point has been *Vieth v. Jubelirer* (2004), where the Court held 5-4 that claims regarding gerrymandering were non-justiciable, overturning a precedent from about two decades prior. The interesting facet about this case was that Associate Justice Kennedy in a solo concurrence wrote that while such claims were not justiciable under standards in place at the time, he did acknowledge that there might in the future develop standards that may make such cases justiciable. To that end, University of Chicago law professor Nicholas Stephanopolous and political scientist Eric McGhee developed the "efficiency gap" model, which measures the number of wasted votes among a state's legislative districts. This model was used as the basis to a subsequent challenge to a gerrymandering attempt on the part of the Wisconsin State Legislature after the 2010 Census, designed to retain a majority in light of shifting demographics against them. This practice was challenged in the case of *Gill v. Whitford* (2018), where the Supreme Court remanded the case to the lower courts for lack of standing, as the plaintiff was a Democratic voter living in a heavily Democratic district. The justices, however, did show substantial disagreement on the particular merits of the case. It is worth noting that in

the 2018 elections for the Wisconsin State Assembly, “Democrats received 54 percent of the total votes cast for major party Assembly candidates — a figure inflated by the fact that Democrats ran unopposed in 30 districts compared to just eight for Republicans. Yet Republicans won 63 of the 99 Assembly seats, just one less than their pre-election majority. That marks an increase in the pro-Republican “efficiency gap” from about 10 percent in 2016 to almost 15 percent this year.” (Lieb) In the most recent cases, decided on June 27 of this year, the Supreme Court has declared that claims of partisan gerrymandering to be political questions to be beyond the reach of the courts, though there is some indication in Chief Justice Roberts’ majority opinion that Congress could constitutionally take up legislation that would address issues of gerrymandering, noting that “Congress has regularly exercised its Elections Clause power, including to address partisan gerrymandering. The Apportionment Act of 1842, which required single-member districts for the first time, specified that those districts be ‘composed of contiguous territory.’” (Roberts, *Rucho et al v. Common Cause et al*) Additionally, Roberts’ opinion noted the existence of potential solutions to the issue of gerrymandering through the Fairness and Independence in Redistricting Act, originally introduced to the Congress in 2005 and reintroduced each Congress since, along with the 2010 introduction of HR 6250, the Congressional Redistricting Formula Act, which “would have required States to follow standards of compactness, contiguity, and respect for political subdivisions in redistricting. It would also have prohibited the establishment of congressional districts ‘with the major purpose of diluting the voting strength of any person, or group, including any political party’ except when necessary to comply with the Voting Rights Act of 1965.” (Roberts, *Rucho et al v. Common Cause et al*).

One area where opponents of gerrymandering have had recent success was in Pennsylvania, where there was a successful challenge to that state’s legislative map. It must be noted, however, that this lawsuit was based on an interpretation of the Pennsylvania State Constitution, and the Supreme Court has been reluctant to intervene when a state’s court of last resort has been interpreting its own constitution. The upshot of all this is that for affirmative teams wanting to address gerrymandering through the courts, there does appear to be room for plans which have the Supreme Court either rule that gerrymandering cases are justiciable, reaffirming *Davis v. Bandermer*, and/or authorizing the use of efficiency gaps as a way to determine whether unconstitutional partisan gerrymandering has occurred.

That said, an issue regarding gerrymandering is that while obvious gerrymanders might be easy to spot, compact districts can also be gerrymandered as well. This was noted by Erica Klarreich when she observed that, “Since drawing compact districts is not a cure-all, solving the gerrymandering problem also requires ways to measure how biased a given map is. In a 2006 ruling, the Supreme Court offered tantalizing hints about what kind of measure it might look kindly on: one that captures the notion of ‘partisan symmetry,’ which requires that each party have an equal opportunity to convert its votes into seats.” (Klarreich) Perhaps an easier way to say this is to quote the title of the article, “Gerrymandering is illegal, but only mathematicians can prove it.” All this is to say that court-based attempts to come up with a universal standard for measuring whether a state’s districts are drawn in a way to comprise an illegal gerrymander are unlikely to be easily understood by those who are not well-invested into matters of political science or mathematics.

All of this, it should be noted, hasn’t even begun to address the possibility of non-court-based solutions to the issue of gerrymandering. While some of these will be referenced in the section on possible affirmatives, there are a couple of interesting options available. The most well-known are the independent redistricting commissions, used in a number of states, mostly in the West. Claims that such commissions violate the Constitution were dispensed with in 2015 (*Arizona State Legislature v. Arizona Independent Redistricting Commission*), though that was

also before Anthony Kennedy's retirement and replacement with Brett Kavanaugh (as a side note, both Gorsuch and Kavanaugh have had at least a couple instances each during the 2018-2019 term where they have joined the liberal wing of the court to produce 5-4 decisions that likely disappoint their conservative brethren). These commissions provide a variety of models in terms of composition and authority, yielding a range of affirmative plan texts. Another option available is to use systems similar to what are in place in the United Kingdom and Australia, which functionally removes the legislature out of any role for drawing the districts and places the decisions in the hands of more disinterested parties.

### **Voter Fraud/Voter Identification**

In the wake of the 2016 election, Donald Trump declared that he had only lost the popular vote because of millions of fraudulently cast votes, and then formed the Presidential Advisory Commission on Election Integrity, also known as the Voter Fraud Commission, to seek out alleged fraudulent votes. Headed by Vice President Mike Pence and run day to day by Kris Kobach, the commission was only in existence for eight months, disbanding shortly after Democratic state officials won a district judge's order that the commission share documents with its Democratic members.

It should be noted that if a resolution were to be adopted that allowed action against voter fraud as an area for affirmatives, there is a body of literature written to provide support for such action. For example, a 2017 report by the Heritage Foundation found that, beginning with their review from 21 states, "The (Government Accountability) Institute compared the lists using an 'extremely conservative matching approach that sought only to identify two votes cast in the same legal name.' It found that 8,471 votes in 2016 were 'highly likely' duplicates. Extrapolating this to all 50 states would likely produce, with 'high-confidence,' around 45,000 duplicate votes." (von Spakovksy) Hans von Spakovsky goes on to speculate that there are other forms of illegal voting taking place, such as felons voting despite being ineligible to do so, and that these votes had enough of an impact to flip results in particular states. That said, a few points should be made. First, those 45,000 alleged double-votes in the 2016 presidential election represent a mere .03% of the 136,669,276 ballots cast. Second, claims that these double-votes flipped a state are often based on an assumption that the double-votes are all, or nearly all, cast for a particular candidate. Third, anyone wishing to find evidence indicting von Spakovsky would have little trouble doing so, including a federal judge writing that his claims of electoral fraud were not supported by proven research (*Fish v. Kobach*). All this is to say that the evidence on voting fraud can be hyperbolic and while there may be particular issues, one must be very careful when approaching this research. To that end, it seems best to generally leave out questions of voter fraud in the discussion, especially given that a lot of the proposed solutions create issues with voter suppression and are probably only going to be undertaken by affirmatives who crave uphill climbs.

### **Voting Rights**

For those who have made any study of American history post-World War II, the term voting rights tends to conjure up images of African-Americans marching throughout the South being attacked by police and/or the Ku Klux Klan in an attempt to gain what we consider that most sacred of rights in our democracy, the franchise. With the passage of the Voting Rights Act, many of the first round of structural barriers were removed, such as literacy tests and grandfather clauses (white primaries and the poll tax had been previously abolished by the courts and the Constitution, respectively). Since that time, however, we have discovered that other barriers have

pre-existed and new barriers are attempting to be constructed to deny the right to vote, with evidence indicating that a number of these measures disproportionately impact racial minorities.

One of these issues is the practice of felony disenfranchisement, which has existed since ancient times. While there does not appear to be evidence that the practice was used to create a *de jure* racial disenfranchisement, there is historical and statistical evidence to argue that these policies and others enacted have created and do create such a disenfranchisement *de facto*. For example, in the years following the end of Reconstruction, Southern states did pass Black Codes which criminalized various forms of conduct, the most notorious perhaps being laws against “vagrancy”, which was often ill-defined and extended police authorities wide latitude in how and who to enforce these provisions against, until the Supreme Court ruled such laws as being unconstitutionally vague in *Papachristou v. Jacksonville* (1972). Focusing back on felony disenfranchisement specifically, this is a matter that the federal government has allowed the states to take the lead, creating a patchwork of laws regarding the circumstances when, and if, a felon can have their voting rights restored, as shown in Appendix 1. The net effect of this, however, is that, “Six million Americans are ineligible to vote, members of a group whose ranks have quintupled over the last forty years” (Bassett), noting that “4.7 million are not incarcerated but live in one of 34 states that prohibit voting by people on probation, parole, or who have completed their sentence.” (The Sentencing Project) While almost half of the states have made movement to loosen restrictions on felon re-enfranchisement, the patchwork on inconsistent state laws remains. Additionally, it must be noted that the most prominent of these efforts, the adoption of Amendment 4 by Florida voters last November, is being effectively challenged by Republicans in the Florida State Legislature who have introduced “two bills that have kicked off a new fight over how the constitutional amendment should be implemented. The most controversial measure so far has been the House proposal, which requires those with felony records to fully pay off any court fines and fees – including fees that were not imposed by a judge as part of their sentence – before they can regain their voting rights....Critics say the version of the bill currently in the House effectively functions as a modern-day ‘poll tax’ – ... a controversial practice most notably used to limit the voting rights of African Americans.” (Lockhart) Coming back to the racial disparity issue, the Brennan Center for Justice’s Erin Kelly observed that “One in every 13 voting-age African Americans cannot vote, a disenfranchisement rate more than four times greater than that of all other Americans. In four states, more than one in five black adults are denied their right to vote. Although the data on Latino disenfranchisement is less comprehensive, a 2003 study of ten states ranging in size from California to Nebraska found that nine of those states ‘disenfranchise the Latino community at rates greater than the general population.’” (Kelly) This disparity is also seen in Appendix 2.

### **Voter Accessibility:**

In recent years, voter accessibility has become a hot-button issue- discussed by everyone from talking heads to earning formal declarations from the President of the United States. But what is voter accessibility? Finding one definition for the tricky term is impossible, but voting accessibility comes down to two key things: access to the ballot and voter suppression. The Federal Election Commission defines access to the ballot as “The facilitation of voting and the process of conducting and managing U.S. elections at all levels — from local to federal — are regulated under state law,” whereas voter suppression is simply the use of legal or illegal means to limit the number of voters due to the perceived influence of members of particular races, religious backgrounds, or political parties (Duignan). Ballot access and voter suppression create the structure for which voter accessibility is built.

Voter suppression has a long and sordid history ranging from the suppression that emerged after the Civil War to that of the time of the Jim Crow laws and the long-standing disenfranchisement of women voters. Even with the establishment of the 15th Amendment ensuring that men could vote “despite race, color or previous servitude” (with women being left out of the conversation), voter suppression and denying accessibility to marginalized groups continued (“A History of Voter Suppression”). Indigenous peoples of the Americas also have significant struggles. They are underrepresented in the voting population due to the requirement of formal identification and the unique experience of living on reservation land in the United States (Ferguson-Bohnee).

Voter suppression is not just limited to groups due to race and gender. Voters with disabilities have historically struggled to have access to voting machines that meet their needs, have assistance to vote at the polls, or even have ADA-compliant access to the buildings where voting takes place. In places like West Virginia, only 46 percent of those living with disabilities and eligible to vote participated in the election process (Vasilogrambos). In addition to those living with disabilities, those living below the poverty line are less likely to participate in voting. Millions of Americans lack i.d.s due to identification costing money to obtain and maintain. Strict voter identification laws disproportionately disenfranchise minorities, and many of the laws are put in place to deter fraud, which is extremely low and rare (“Oppose Voter ID Legislation-Fact Sheet”).

In an overarching issue in voter suppression, *Shelby County v. Holder* (2013), the United States Supreme Court decided that Section 4 of the Voting Rights Act was unconstitutional. The ruling meant that states no longer had to have the approval of the Federal Government before changing voting laws in their state and that it is the state’s jurisdiction to decide if the laws enacted were negatively affecting particular groups of voters.

And voter accessibility is being increasingly limited across the country. In 2021, the Brennan Center for Justice pointed out five “egregious” laws blocking access to the ballot. These laws were largely partisan efforts, with a Montana GOP Representative saying that he wanted to end election day registration because he believed “it was used by young people who were ‘not on our side of the aisle’” (Wilder). The blatant use of partisan politics to limit those who would register on the day of elections in fear of the new boogeyman, “fraud,” is being used as a fear tactic by some. Still, in other areas, there are just open cries of “we cannot let THEM into office,” as shown by our esteemed congressperson from Montana.

After all of this background, the question is, how can we solve the idea of voter accessibility with so many tools of oppression in place? A few thoughts come to mind immediately when proposing this:

- A Constitutional amendment protecting voting rights that is an updated version of Section 4 of the voting rights act. This leaves ample ground for both affirmative and negative arguments against voter suppression (particularly in minority groups) and the negative with vast ground on federalism.
- A revision of the Voting Rights Act into a Constitutional amendment to include a broader scope of participants, including making more specifications to protect lower-income individuals and marginalized groups.
- A Constitutional amendment that specifies a right to vote in the Constitution explicitly. Despite popular belief, there is no guarantee by the United States Constitution for the right to vote. With the lack of focus on civics classes in the United States and the increased challenges to fundamental rights to vote, a Constitution guarantee could help raise awareness and state authority over voting (“Right to Vote Amendment”).



- Implementing automatic voter registration could be an interesting way to approach the topic- especially when considering just registering to vote is a barrier in voter accessibility.

With all of these issues, why is voter accessibility so important? How will the laws put in place protect voters? The logical answer to this is quite apparent- a democracy exists to be the people's voice. The dream of the American Experiment is that we will be able to give the voice to our "... tired, ... poor, ...huddled masses..." The problem with this is that, as a nation, we are consistently suppressing those who are the "other" in the conversation instead of letting the voting chips fall where they may. As we have seen with suppression across the country, the question of giving accessibility to the ballot to all is one with paramount importance. Purposefully suppressing voters and denying access to the ballot is one of the most significant issues in our democracy. Take the words of President Joseph R. Biden, Jr. as a call to action on ridding the world of suppressive actions taken in voting after the January 6th insurrection-

*You know, for the right to vote and to have that vote counted is democracy's threshold liberty. Without it, nothing is possible, but with it, anything is possible.*

*But while the denial of fair and free elections is un-democratic, it is not unprecedented.*

*Black Americans were denied full citizenship and voting rights until 1965. Women were denied the right to vote until just 100 years ago. The United States Supreme Court, in recent years, has weakened the Voting Rights Act. And now the defeated former president and his supporters use the Big Lie about the 2020 election to fuel torrent and torment and anti-voting laws — new laws designed to suppress your vote, to subvert our elections.*

*Here in Georgia, for years, you've done the hard work of democracy: registering voters, educating voters, getting voters to the polls. You've built a broad coalition of voters: Black, white, Latino, Asian American, urban, suburban, rural, working class, and middle class.*

*And it's worked: You've changed the state by bringing more people, legally, to the polls. (Applause.) That's how you won the historic elections of Senator Raphael Warnock and Senator Jon Ossoff. (Applause.)*

*You did it — you did it the right way, the democratic way.*

Our debaters will have a wide range of arguments for this. Just taking the communities of marginalized races, the disabled, and those in lower socioeconomic backgrounds will provide plenty of ground for inderency. Additionally, increased political participation at the polls is shown to help make changes for those same groups and helps democracy as a whole.

To maintain democracy, to maintain the ideals that we hold dear as Americans, and to maintain the voice of ALL, not just a select few, we must provide access to the ballot. This is the right way. It is the democratic way. And it is the only way. And our debaters can show this by proposing amendments to the Constitution. The Supreme Court has shown a disregard for the protection of those marginalized groups in the US, so Congress must make a change.

**Broader "Democracy" Reforms**

When we think about Democracy, we often think about the outcomes, such as who controls Congress or the White House, if folks have legal rights to vote, run for office, etc. but the part of American politics that gets the most political coverage, for better or worse, is the horse-race. Politicians judging pigs and eating strange fried things at county fairs, speaking at diners, party events, and going to American Legion halls and high school auditoriums to make vague promises about the future.

The modern American campaign, however, has gotten so much more complex than that. Persuasion, turnout, and voter engagement via social media and other digital methods, radio, TV, and mailing, all governed by big data that measures how like a voter is to turn out and how likely they are to support a particular candidate.

Changes to how we run for office, how we campaign, how we engage with Americans, how we count voting, and how campaigns can be run, especially in the digital age, will change the political outcomes as much as many other reforms.

#### Proposed Changes:

- Change how we count votes:
  - Rank Choice Voting
    - Has been adopted by a number of states, districts, etc. including Maine and NYC.
  - Electoral Counts Act
    - A popular potential reform with conservatives (and democrats) interested in avoiding some of the procedural confusion and theater surrounding certifying elections.
- D.C., Puerto Rico, and other territories
  - Puerto Rico is moving towards another referendum on its status, and legislation supporting DC Statehood has gotten more co-sponsors in the current congress than ever before.
- Change how we vote:
  - Mail in
  - Universal Voting
  - Digital Voting
  - Voting Age
  - Voting Eligibility Requirements
  - Same Day Registration / Universal Registration / Mandatory Voting
    - Almost all of these proposals were tested in some states during the COVID-19 pandemic, and are up for debate in the current cycle of state-based reform legislation.
- Change how we communicate:
  - Advertising Reform
    - Digital and physical
  - Opt Out
    - The right to be left alone, do not call lists, etc.
  - Labeling
    - Who is saying what, on behalf of whom is a big issue, especially for third-party produced content.
  - Reform Presidential Debates
    - Maybe encouraging actual clash, or mandating that they occur, given that the RNC has opted out of those organized by the Commission on Presidential Debates



- Traditional and New Media monopolies / Neutrality
  - Social media algorithm bias was well debated on the college Anti-Trust topic last year, and is a hot political issue with lots of literature on both sides.
- Equal consideration clauses
- Change candidate eligibility
  - Require mental, physical health checks / Require competency tests
    - As we approach an election which is likely to feature our oldest set of contenders ever
  - Change ages
    - The age limitations written into the constitution for holding office reflect an age when people didn't live nearly as long as they do now
  - Racial, gender quotas
    - Guaranteeing representation has been implemented in more than 50 countries across the world (ie ½ of congress has to be women, etc.) but not here.
  - Party reforms
    - Could also be interesting CP ground

### **Electoral College:**

In the 2013 paper, we included Electoral College Reform as a potential case area. By many wordings of the topic, Electoral College Reform would be a topic area, though it isn't one we necessarily recommend.

First, while there is a literature base that defends the Electoral College as good, the weight of the arguments is generally considered to be heavily against its retention as archaic and undemocratic, leading to a very real fear that large numbers of teams, especially novice teams or programs transitioning to Policy from having been primarily Public Forum squads, would run to this affirmative-friendly safe harbor. We saw this a bit on the 2013-2014 Latin America topic, where many teams (perhaps even a majority of rounds) ran cases that in some way normalized trade relations with Cuba. In a world where this topic were adopted with an "abolish the Electoral College" option, it might be even worse, as evidentiary imbalance more heavily favors the affirmative than was the case on normalizing trade relations – even if the weight of the evidence flowed affirmative, negatives could find authors who were making strategic arguments for the retention of the embargo. While perhaps okay for a one-month Public Forum topic, as a year-long policy debate topic this particular debate would get exhausted very quickly.

The second reason why the Electoral College is being excluded from this discussion is that it only comes into use once every four years, and far more often than not, the electoral vote result is reflective of the popular vote in the presidential election. None of this is to be read as an indication of the author's opinions of the relative merits of the Electoral College as a whole, but rather of the ways it would become the 800-pound gorilla in the resolution if it were to be included. This would only be magnified if the balance of the best evidence ultimately came down on the side of abolition – the most likely scenario is that affirmative teams would run "Abolish the Electoral College", probably through constitutional amendment and negatives would be left grasping at a very thin risk of a link to the Federalism Disadvantage or a contrived link to a Politics Disadvantage, which would make for a long year of debate and a lot of coin flips functionally deciding the results of elimination rounds.

# Debating This Topic:

## Harms:

One of the biggest concerns regarding the 2013 paper was that the impact level of the debate was not particularly “sexy” – the terminal impacts of nuclear war/genocide/environmental collapse/extinction/a plague of locusts descending on the land seemed to be a pretty hard sell, particularly for affirmative teams. This is something I wish to address more aggressively in this version of the paper, especially in light of events over the last couple of election cycles. First, there are definitely some impacts to racism that are not nearly as hard a sell with particular affirmatives, especially those that address the notion of voting rights in some way, shape, or form. Second, in the light of pretty clear evidence of Russian meddling in the 2016 presidential election, such continued meddling might very well lead to a situation where the United States takes more punitive action (for example, interfering with Russian oil exports or freezing Russian assets abroad) that might lead to conflict escalation. Third, and still the author’s belief from the 2013 paper, we might do well to see the notion of impact scenarios that do not fall neatly into a “magnitude/time frame/probability/reversibility” mold might force students to reconsider how they articulate and defend impacts, creating new opportunities for critical thinking within the debate space.

That having been said, certain advantage scenarios seem pretty intuitive for this topic. This list is by no means intended to be exhaustive.

*Capitalism v. Democracy* – While these two ideas are often considered to be branches off of the tree of freedom, there are parts of this topic area where these notions are put into conflict. As articulated by William Hudson, “The current era of super PACs, bundling, and anonymously funded 501(c) groups all funneling mountains of cash to favored candidates has created a new Gilded Age of political spending. From the perspective of equal representation, the money election sharply biases the election process in favor of the very small and wealthy portion of the electorate that contributes to political campaigns. The one-tenth of 1 percent of citizens that provides the bulk of the funds for political campaigns buys unequal influence over elected officials. This influence undermines the fundamental promise of representative democracy that the vote empowers all citizens equally. In elections today, before ordinary citizens cast their votes, the money election has already restricted their choices to candidates who have passed muster with the rich and the special interests.” (Hudson, 193).

*Democracy Promotion* – In the 2013 paper, this section began by remarking that “The rise of democracy over the last few decades is irrefutable.” While that general trend may be historically accurate over the long term, it is perhaps worth noting that Freedom House’s 2019 report was titled “Democracy in Retreat”. The report noted decreases in the number of “Free” and “Partially Free” nations with a corresponding increase in the number of nations deemed to be “Not Free”. Specific to the United States, *Freedom in the World* noted that “Challenges to American democracy are testing the stability of its constitutional system and threatening to undermine political rights and civil liberties worldwide.” (Freedom House). The rise of these sorts of populist forces in places such as France, Germany, Brazil and the Philippines may mean that the United States’ role in promoting democracy may be even more important in the years to come at the time when it is being questioned more than it has in recent years.

*Federalism* – This seems to be most naturally a line of attack that teams might pursue in response to proposals to create independent redistricting commissions, though links could also be generated to plans regarding other forms of election management, since Article I, Section 4 of the Constitution specifies that states are responsible for determining the manner in which their own senators and representatives are elected. This is likely to generate some process debates, making the States Counterplan a potential strategy against some of these affirmatives. Alternatively, teams may argue that such a step so fundamentally shifts power to the federal government as to collapse the federal-state balance, with attendant impacts directly related to that relationship or to the modeling of federalism in other countries.

*Foreign Hacking/Cybersecurity* – As the Guardian article referenced above noted, the nation's election infrastructure has a number of weak points, particularly at the level of state election organizations, to the point where middle-school aged students have the technical skill to hack these websites. The evidence that Russia attempted to create havoc in the 2016 presidential election is clear and incontrovertible, regardless of whether you believe or not that the Trump campaign was involved at any particular level. As a 2017 report from the Office of the Director of National Intelligence noted, "We assess with high confidence that Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election, the consistent goals of which were to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency." (Office of the Director of National Intelligence) It also seems highly unlikely that this will be a "one-off" show of cyber-muscle and that the Russians and other state and nonstate actors (even terrorists perhaps) will likely try this stunt again in the future. "Director of National Intelligence Daniel Coats warned in July 2018 that Russia is continuing to try to "wreak havoc over our elections," even if the evidence, so far, of the 2018 midterm elections being affected by outside interference is inconclusive. Other states and even nonstate actors will also likely seek to emulate this model." (Boot and Bergmann) Boot and Bergmann go further to identify the stakes: "The legitimacy of the U.S. government rests upon the sanctity of the political process. If foreign actors continue to manipulate U.S. politics to their benefit, they will do incalculable damage to American democracy. The very future of the United States as a sovereign nation will be placed in doubt if people lose faith in the electoral process." In short, teams that want to pursue impacts involving hegemony, democracy promotion, modeling or electoral cybersecurity showing issues with our cybersecurity writ large, should have little trouble doing so with cases in this area of the topic.

*Interest Groups* – The role of interest group influence has been a significant part of political debate in the United States for the last few decades. A possible angle of this debate may involve teams contrasting whether interest groups skew policy outcomes in ways that are harmful for the United States versus other teams advancing the idea that interest groups provide a key linkage institution for ordinary citizens and thus gives them a way for their voice to be heard in the policymaking process. Alternatively, teams may argue that interest groups have such a stranglehold on the process that even when the public is overwhelmingly in favor of policy changes, they aren't implemented, diminishing citizen trust in the system – one might argue that the defeat of background checks for gun purchases despite overwhelming support for it is one example of a system gone awry.

*Plutocracy* – The term chosen for the lack of a more easily articulated alternative on the part of the author, specifically this refers to the increasing role that wealthy donors play in influencing electoral campaigns and the seeming "money election" that takes place to narrow the field before voting begins. William Hudson noted in 2013 that "without the ability to limit expenditures, campaign regulations lost the ability to constrain the ever-expanding election cash arms race and enhanced candidates' dependence on wealthy contributors to gain office." (Hudson, 187).

Continuing, Hudson further observes that “these few wealthy individuals and special interests gain unequal power because politicians depend on their contributions to gain office. So along with the regular election in which all citizens cast their one vote, there exists a money election in which some citizens gain the equivalent of extra votes for themselves with the dollars they contribute. Not surprisingly, elected officials are quite attentive to those who contribute to their campaigns and the policy issues that concern them. Few will dare to take positions or advocate policies that might anger campaign contributors no matter how popular those policies might be among ordinary voters.” (Hudson, 184)

*Racism* – In the modern context, the issue of race and elections centers around a couple of key themes. The first is the issue of voter identification laws, which the American Civil Liberties Union and others argue to have a disproportionate effect on various minority groups, especially where states have reduced the ease of securing such government-issued identification. While voter identification laws seem to have been around in some form since the middle of the last century, a new push for such legislation began as a function of the passage of the Help America Vote Act in 2002, which required certain individuals to provide identification, based on how they registered to vote and what data they provided when undergoing that process. Though the Supreme Court originally upheld the first of these new round of laws (*Crawford v. Marion County Election Board*), a number of federal courts have struck down other voter-identification laws, with some of the courts taking particular note of the racial disparity, such as the Fourth Circuit Court noting that a North Carolina’s voter-identification law’s “provisions deliberate ‘target African-Americans with almost surgical precision’ in an effort to depress turnout at the polls” (*Wines and Blinder*). Another such issue has been the issue of felon disenfranchisement, which has been previously discussed at some length.

*Speech Rights* – Mostly, such arguments are likely to be advanced by negative teams, with a claim that free speech rights are fundamental and that silencing certain groups undermines the political process. Further, negative teams are likely to argue that the loss of speech rights will place our country on the road to tyranny. Affirmative responses are likely to fall along two main tracks: first, that no Constitutional right is absolute and that second, the sorts of groups that are likely to be limited by affirmative plans will have plenty of other venues and the means to make their opinions known, so that no real harm is done.

## **Solvency:**

This is an extremely non exhaustive list, but should offer a sample of what a tournament caselist might resemble.

## **Voting Mechanisms, Agents, and Processes**

Voting in the U.S. is affected by a wide variety of federal and state legislation, both current and proposed, federal and state court decisions, and actors including all three branches of the federal government. Specific institutions like the Federal Elections Commission, the Department of Homeland Security, state and local election boards, and state Department of Motorized Vehicle offices play essential roles and are sources of contention around voting and elections. The range and comparative roles of each of these elements offer substantial ground for debate about the benefits and drawbacks of each element and highlight the importance of both the substance and process of election reform.

## **Proposed Federal Legislation on Voting Rights and Elections**

Two major pieces of federal legislation have been proposed, the John Lewis Voting Rights Act and the Freedom to Vote Act. The John Lewis Act is intended to strengthen the Voting Rights Act of 1965, updating its provisions to account for recent Supreme Court decisions like *Shelby v. Holder* and *Brnovich v. Democratic National Committee*. The Freedom to Vote Act would establish national standards for several election-related issues, including voting access, voter suppression, election security, redistricting, voter registration, and campaign finance. Both bills were passed by the House of Representatives but failed to meet the 60 vote threshold in the Senate in January.<sup>1</sup>

These two bills offer a variety of options for possible affirmatives, and the ongoing national conversation around them provides rich ground for research for both sides of the debate.

### **The Freedom to Vote Act**

The Brennan Center provides summaries of the key provisions of the Freedom to Vote Act at <https://www.brennancenter.org/our-work/research-reports/freedom-vote-act>.

For voting access, the Freedom to Vote Act establishes minimum federal standards that would take priority over more restrictive state laws. The access provisions include early voting, vote-by-mail, making Election Day a national holiday, improving access for voters with disabilities, and a more flexible standard for IDs in the states that require ID to vote.

To respond to voter suppression, the Act addresses election-related misinformation and disinformation, and creates a basis for federal action when states fail to protect voters. It also creates a federal standard for restoring voting rights to formerly incarcerated people, requires that voting lines be limited to 30 minutes while allowing sustenance for would-be voters, and creates a new avenue for voters to sue if their voting rights have been violated.

In light of the increasing pressure on state and local election officials, post-election ballot reviews, and the dispute certification process, the Act would adopt several measures to reduce partisan attempts to influence election results. It would limit the allowable reasons for removing

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<sup>1</sup> <https://www.cnn.com/2022/01/19/politics/senate-voting-legislation-filibuster/index.html>

election officials to prevent political machinations and give those officials a basis for lawsuits in response. It strengthens the protection and preservation requirements for ballots after election to ensure that audits do not violate the integrity of the process, and establishes transparency standards for post-election audits to ensure fairness. There would be a new requirement that voting systems be voter-verified and have traceable paper trails, in contrast to many paperless systems that are used now, and provides funding for states to upgrade their voting machines. The Act would give voters an option to sue if their vote is not counted due to post-election efforts to set aside votes.

The 2020 Census provided the basis for the current round of Congressional redistricting, with lawsuits and disputes ongoing in several states. The Act would ban partisan gerrymandering, strengthen protection of the voting power of minority communities, and be applicable to redistricting being conducted based on the 2020 Census, including maps already drawn. It also seeks to improve the legal remedies for challenging unfair gerrymanders.

For voter registration, the Freedom to Vote Act would establish a national standard of automatic registration when citizens engage with government agencies. 19 states already have similar registration systems in place. It would also expand registration to include same-day registration, which 20 states have, and online registration, currently allowed in 42 states. In addition to making it easier to register, the Act increases protections against voter roll purges, including requiring notification of purged voters within 48 hours.

For campaign finance, the Act expands transparency requirements for donations and advertising, strengthens the rules against coordination between PACs and campaigns, seeks to reinvigorate the Federal Election Commission in the face of partisan, statutory gridlock; and establishes a matching system for small donors in House races.

### **The John Lewis Voting Rights Advancement Act**

There are three primary sections of the Act. The first focuses on restoring preclearance as a response to *Shelby v. Holder*. The second issue is vote dilution and vote denial, to address a trend most recently exemplified by the *Brnovich v. Democratic National Committee* decision. The third section addresses an array of voting challenges facing Native Americans living on tribal lands.<sup>2</sup>

Preclearance is the process where states with a history of voting rights violations had to submit new voting rights laws to the Department of Justice or a federal court for approval before implementing them. It was one of the core provisions of the 1965 Voting Rights Act and was struck down by the Supreme Court in *Shelby v. Holder*. The John Lewis Act updates the preclearance formula and reinstates it, determining whether states or localities fall under preclearance based on the number of voting rights violations over the last 25 years. Preclearance, once qualified, would last for 10 years subject to a rolling determination of continued voting rights violations. The John Lewis Act also establishes nationwide preclearance, not just for the states covered under the Voting Rights Act, for changes to voting laws or procedures that diminish voting power of minorities, such as redistricting, limiting the language options for voting materials, voter identification standards, and restricting polling locations and other forms of ballot access like early or mail-in voting.

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<sup>2</sup> <https://www.brennancenter.org/our-work/research-reports/john-lewis-voting-rights-advancement-act>

To address voter dilution and vote denial, the John Lewis Act allows voters to sue against practices that minimize minority voting power, such as racially-oriented redistricting or disparate access to ballots. It would also require proof of voting fraud before allowing new state regulations that claim such fraud as the reason they need to be implemented.

For Native American voting rights, the Act establishes minimum federal standards that states must uphold with regard to registration and polling access, ID requirements, and several other voting-related issues.

### **The Electoral Count Act**

As a result of the riots at the U.S. Capitol on January 6, 2021, the Electoral Count Act has come under scrutiny amid calls to reform it in order to eliminate some of the vagaries and loopholes that offer opportunities to contest the Presidential succession. There is proposed legislation to do this, but as of writing, it remains a critical element of our electoral process.<sup>3</sup> There have been a number of proposals to raise the threshold for registering objections to certifying state elector slates, and to reduce the possibility of states submitting competing slates in order to try to shift their state electoral votes from one candidate to another. A third element would more closely define the authority of the Vice President during the certification process.<sup>4</sup>

### **The Federal Election Commission**

The Federal Election Commission (FEC) was created to oversee political contributions and campaign spending, with six members serving staggered six-year terms, with two new members added every two years as senior members' terms expire. By law, no more than three of the Commissioners can be members of the same political party. As originally constituted, four of the members were to be appointed by Congress with the remaining two appointed by the President. That was changed in 1976 to require that all six members be appointed by the President and confirmed by the Senate. The FEC occupies a unique role as the appointed investigator and enforcer of legislation or Court rulings relating to campaign finance issues.

In recent years, the FEC has become stagnant on many of its major responsibilities. In order to start investigations into campaign finance irregularities, at least four members need to vote for it. The bipartisan nature of the FEC has effectively kept it from performing its core functions.

From the Los Angeles Times in 2020: (<https://www.latimes.com/politics/story/2020-08-05/federal-election-commission-campaign-finance-enforcement>)

“But the FEC, three months before a presidential election, can’t even call a meeting. Under normal circumstances, the commission would have at least four members, the minimum required to meet, issue advisory opinions and approve enforcement action. But circumstances at the agency aren’t normal: For most of the last year the FEC has only had three members, rendering it nearly powerless. It’s unlikely the Senate will confirm a fourth member before the November election — the president’s last nominee waited nearly three years for a Senate vote. Even if a new commissioner were confirmed, campaign finance reform advocates have lamented for years that the agency has been hampered by structural issues, a lack of resources and partisanship that have weakened its ability to enforce the law and deter illegal election

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<sup>3</sup> <https://thehill.com/homenews/senate/592220-senate-democrats-unveil-proposal-to-reform-electoral-count-act/>

<sup>4</sup> <https://www.lawfareblog.com/heres-what-electoral-count-act-reform-should-look>

spending. They say the problem has been exacerbated by Republican leaders opposed to limits on campaign spending, who have sought to weaken the agency.”

In June 2021, early in the Biden Administration, the New York Times reported that the ineffectiveness of the FEC was driving Democratic commissioners to effectively relinquish the FEC’s role to federal courts. (<https://www.nytimes.com/2021/06/08/us/politics/fec-democrats-republicans.html>)

“For more than a decade, Democrats seeking more robust enforcement of election laws and transparency measures have been routinely routed at the F.E.C., the nation’s top campaign watchdog agency. They have complained bitterly that Republicans have weaponized the commission’s bipartisan structure — there are three commissioners allied with each party — to turn it into a toothless, do-nothing bureau.

Now, the Democratic commissioners have stealthily begun to strike back by leveraging some of the same arcane rules that have stymied enforcement efforts for years — namely, that a bipartisan vote is necessary to do almost anything — to make the agency do even less. The goal appears to be to take a commission widely seen as dysfunctional and create further deadlock, compelling federal courts to fill the breach when it comes to policing federal election law.”

The FEC has recently announced fines against the 2016 Hillary Clinton and Democratic National Committee<sup>5</sup> and a Donald Trump-aligned super PAC<sup>6</sup>, suggesting that there may be some optimism for its role as a viable agent for debates. There was also a recent, bipartisan decision to investigate some identity-protected donations to super PACs.<sup>7</sup>

## **Departments of Motor Vehicles**

Since the passage in 1993 of the National Voter Registration Act, widely known as Motor Voter, DMVs have become a core piece of the US’s voting infrastructure, with between 30-46% of annual voter registrations taking place through DMVs.<sup>8</sup> There is a strong link between voter registration and voter turnout as well. “Since Motor Voter’s passage, DMV registration services have been the single most important source of voter registration activity across the country in the jurisdictions where it applies.<sup>1</sup> In the most recent reporting period, 45 percent of voter registration applications or updates came through the Motor Voter process. Although Motor Voter is the most common source of voter registration activity in the states, data suggest that Motor Voter may not yet have reached its potential. The number of eligible Americans registered to vote remains stubbornly low, ranging from 60 to 75 percent in any given presidential election year, which leads to depressed turnout rates: In the 2016 presidential election, turnout among eligible voters was only about 55 percent.<sup>2</sup> When looking at registered voters, however, the picture changes: over 87 percent of registered voters participated in 2016.<sup>3</sup> These statistics

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<sup>5</sup> <https://www.nytimes.com/2022/03/30/us/politics/hillary-clinton-democrats-campaign-spending.html>

<sup>6</sup> <https://www.nytimes.com/2022/04/08/us/politics/trump-super-pac-illegal-donations.html>

<sup>7</sup> <https://www.politico.com/news/2022/04/15/campaign-finance-watchdog-cracks-down-on-untraceable-super-pac-donations-00025664>

<sup>8</sup> [https://democracyfund.org/wp-content/uploads/2021/02/2021\\_DF\\_MotorVehicleDepartmentReport.pdf](https://democracyfund.org/wp-content/uploads/2021/02/2021_DF_MotorVehicleDepartmentReport.pdf), p. 6.



suggest that more eligible Americans will participate in our democracy if they are registered to vote. Ensuring full access to voter registration through DMVs is a part of this picture.”<sup>9</sup>

Regulation of DMVs has become an increasingly important issue for people and organizations seeking to expand or restrict access to the ballot.<sup>10</sup> A recent example in Georgia, reported on April 21, 2022, found that a change in the DMV registration process, requiring people applying for identification to opt in to registering to vote rather than defaulting to registering unless they opt out, resulted in a substantial decline in the number of people registering.<sup>11</sup> The Georgia case exemplifies both the importance of DMVs to registering voters and one of the fragilities of the US election system.

### Survey of Relevant Court Cases

- Reynolds v. Sims- This was a case decided on June 15, 1964 that looked at the apportionment of the state legislature with regards to population. The question was whether not apportioning representation based on population violated equal protection. The court found that “equal protection requires that state legislative districts should be comprised of roughly equal populations.”<sup>12</sup>
- Buckley v. Valeo- was a supreme court case decided on January 30, 1976. It found that the Federal Election Campaign Act of 1971 was partially constitutional. This had the implication of allowing limits on the amount of money that could be contributed to federal campaigns, allowing for some public financing for presidential elections and allowing disclosure and record keeping as had been set out by the law.

On the other hand, it ruled that only Presidential Candidates, and only those who accept public funding, could have limits on how much the campaign spend. Struck down other components related to limits and how the FECA had wanted to appoint people to the FEC.<sup>13</sup>

- Miller v. Johnson- this case was decided on June 29, 1995. It followed Shaw v. Reno. It was a gerrymandering case. Georgia had a much higher percentage Black population than was represented in their congressional districts. Georgia tried to fix this through Gerrymandering. This case looked at whether that violated the equal protection clause. The court found that it did, that “a reapportionment plan may be so highly irregular and bizarre in shape that it

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<sup>9</sup> <https://www.demos.org/policy-briefs/keeping-pace-motor-voter-motor-vehicle-agency-guide-implementing-effective-motor>

<sup>10</sup> <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/05/26/dmv-roadblocks-could-disenfranchise-voters-report-finds>

<sup>11</sup> <https://www.wabe.org/steep-drop-in-georgia-voter-registration-numbers-raises-concerns/>

<sup>12</sup> "Reynolds v. Sims." Oyez, [www.oyez.org/cases/1963/23](https://www.oyez.org/cases/1963/23). Accessed 29 Mar. 2022.

<sup>13</sup> <https://www.fec.gov/legal-resources/court-cases/buckley-v-valeo/>

rationality cannot be understood as anything other than an effort to segregate voters based on race.”<sup>14</sup>

- *Citizen United v. FEC*- was decided on January 21, 2010. This case centered around the question of whether a movie (*Hillary: The Movie*) was actually a campaign advertisement and therefore subject to the rules therein. Additionally it asked questions about whether there was “protected ‘political speech’ and not subject to regulation as ‘campaign speech’ “. The court felt that the movie was protected speech and therefore could not be limited. However, it did require disclosure of donors which it “justified by a ‘government interest’ in providing the ‘electorate with information’ about election-related spending resources.”<sup>15</sup>
- *Shelby County v. Holder*- this case looked at issues related to the Voting Rights Act of 1965. In particular it looked at the provision (Section 5) that said districts could not enact “changes to their election laws and procedures without gaining official authorization.” It also looked at Section 4(b) which “defines the eligible districts as ones that had a voting test in place as of November 1, 1964 and less than 50% turnout for the 1964 presidential election.” The court held these provisions unconstitutional by arguing that these provisions are based on outdated restraints as opposed to what is happening on the ground today.<sup>16</sup>
- *McCutcheon vs. Federal Election Commission*- This case looked at Federal Campaign Contribution Limits and Free Speech. It found that an aggregate limit to donations was in fact a hindrance of free speech.<sup>17</sup>
- *Rucho vs. Common Cause*- This was a case of partisan gerrymandering. The court ruled that as opposed to racial gerrymandering which they could intervene in, they could not intervene in partisan gerrymandering. They called it “nonjusticiable.”<sup>18</sup>
- *Bronovich v. Democratic National Committee*- This was a case from the 2021 term which looked at Arizona voting laws. In particular it looked at whether the ballot of someone who voted at the wrong precinct had to be totally discarded even in races where precinct didn’t matter (ie. president and gubernatorial races).

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<sup>14</sup> "Miller v. Johnson." *Oyez*, [www.oyez.org/cases/1994/94-631](http://www.oyez.org/cases/1994/94-631). Accessed 29 Mar. 2022.

<sup>15</sup> "Citizens United v. Federal Election Commission." *Oyez*, [www.oyez.org/cases/2008/08-205](http://www.oyez.org/cases/2008/08-205). Accessed 29 Mar. 2022.

<sup>16</sup> "Shelby County v. Holder." *Oyez*, [www.oyez.org/cases/2012/12-96](http://www.oyez.org/cases/2012/12-96). Accessed 29 Mar. 2022.

<sup>17</sup> "McCutcheon v. Federal Election Commission." *Oyez*, [www.oyez.org/cases/2013/12-536](http://www.oyez.org/cases/2013/12-536). Accessed 29 Mar. 2022.

<sup>18</sup> "Rucho v. Common Cause." *Oyez*, [www.oyez.org/cases/2018/18-422](http://www.oyez.org/cases/2018/18-422). Accessed 29 Mar. 2022.

The second issue was around whether there were circumstances when a vote-by-mail ballot could be turned in by someone who wasn't of relation to the voter.

The Court found in favor of the state saying that these weren't a huge burden on voters of color and therefore were "too 'modest' to violate the Voting Rights Act in light of Arizona's justification."<sup>19</sup>

#### **Affirmative Ground / Sample Affs**

- Enact public financing of federal election campaigns.
- Overturn *Vieth v. Jubelirer* to rule that gerrymandering claims are justiciable issues.
- Implement use of the efficiency gap as a standard to evaluate partisan gerrymandering.
- Limit private contributions to political campaigns.
- Limit private contributions to super PACs/interest groups
- Require states to utilize voting machines that provide a paper trail of cast votes.
- Overturn *Citizens United v. Federal Election Commission*.
- Overturn *SpeechNow v. Federal Election Commission*.
- Require states to restore voting rights to felons on the completion of their sentence (variations on this can exempt certain crimes, such as murder and sexual offenses, or may define completion of the sentence based on interpretations of parole and probation).
- Mandate the use of independent commissions for the drawing of legislative districts (various models exist here, such as Arizona, California, Iowa, or even foreign models such as Australia or the United Kingdom).
- Abolish Section 527 of the IRS Code.
- Remove tax-exempt status for 527 groups.
- Require superPACs to disclose the identity of all donors (this could be set to cover donations above a certain amount, such as \$250).
- Require disclosure of the identities of all donors contributing \$250 or more to election campaigns.
- Adopt *The Defending Elections From Threats by Establishing Redlines Act of 2018*, written by Senators Bob Menendez and Lindsey Graham
- Increase resources for the Department of Homeland Security to engage in election security, perhaps using the British National Cybersecurity Center as a model
- Adopt the Congressional Redistricting Formula Act (initially filed as HR 6250 from the 111<sup>th</sup> Congress)

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<sup>19</sup> <https://www.washingtonpost.com/outlook/2021/07/03/brnovich-alito-roberts-supreme-court-vra/>

## Negative Ground / Neg Ground

- Afropessimism/Anti-Blackness Kritik
- Base Disadvantage (though admittedly this may be a hard sell after an Immigration topic in 18-19 and an Arms Sales topic in 19-20)
- Constitutional Amendment Counterplan (mainly based on the idea that resolutions using USFG may run into extra-topicality issues if they attempt to fiat adoption of an amendment)
- Court Clog Disadvantage (primarily court-based affirmatives, but would also include cases where the courts are a remedy for individual claims against the state)
- Courts Politics Disadvantage
- Elections Disadvantage (until November, then followed by a Lame Duck Session DA and either a Honeymoon DA if the Democrats win and something like a “Trump horse trades plan for revocation of the 22<sup>nd</sup> Amendment and we end up with Queen Ivanka or President Eric”)
- Federalism Disadvantage
- Hollow Hope Disadvantage (for court-based affirmatives)
- Judicial Activism Disadvantage (for court-based affirmatives)
- Nativist Backlash Disadvantage
- New Social Movements Disadvantage
- Net Widening Disadvantage (linked to cases that increase cybersecurity as a function of election monitoring)
- Political Question Doctrine Disadvantage (for court-based affirmatives)
- State Circumvention Arguments (something along the lines of what the Florida State Legislature is doing to try and impose barriers to allowing ex-felons to access voting rights post the state’s adoption of Amendment 4 in November 2018)
- States Counterplan
- Spending Disadvantage
- Supreme Court Rollback
- And probably at least 17 kritiks based on the ideas of Continental European philosophers who claim that unless you adopt their method and ideology that life loses all value, of whom probably at least five say life has no value, regardless of whether you adopt their method or not.

## Scope:

Regardless of the particular resolution, there are a number of questions that must be addressed in evaluating a topic's potential to serve as what all high school policy debaters will talk about for an academic year. Among these are the following:

- Is there enough of a range of affirmatives to provide teams strategic choices?
- Do negatives have strategic arguments to make against the range of expected affirmatives?
- Is the topic balanced?
- Will novice debaters be able to access the topic?
- Will experienced debaters find the topic intellectually stimulating?
- Will the topic literature sustain a year's worth of debates, or is it too broad?

Of course, the answer to these questions will depend on the specific wording of the resolution that is selected. To that end, my advice is to focus on either a more broadly worded resolution or one that identifies a few problem areas for examination. A topic area limited to gerrymandering, for example, is going to have a narrow range of arguments and plan texts for which there are strong advocates and these debates would likely become stale very quickly. A broader topic is also more likely to address the dual question of providing accessibility to novices and nuance to varsity debaters. An "elections" topic could be the goldilocks zone, though it leaves out a number of interesting and more diverse case areas related to Democracy reforms.

As far as the question of whether the topic literature will sustain a year's worth of debate, I reference the reader back to the section on timeliness where it was noted that there will likely be a healthy supply of new literature that comes out after the 2022 election cycle, so my belief is that there will be a range of new and relevant topic literature, such that the cards that win in October may not be the cards that win in March. Those questions will also be implicitly addressed in the list of possible affirmative plans below.

# Literature Base: Accessibility, Range, Material

The best tools of politicians are their words, and boy oh boy are there lots of people writing about elections and democracy. The Supreme Court has taken up a number of important cases and made controversial rulings on many issues related to the potential topic areas, and both political parties are increasingly focusing on democratic reforms of various kinds. Think tanks are pumping out their best ideas for reforms, and criticizing each-others work, and the opinion sections of local newspapers nationwide are frequently covering these topics. There is an incredibly broad spectrum of potential solvency advocates and folks talking about the repercussions of potential actions.

There are certainly a number of law review articles and other advanced texts for Varsity debaters to dive into and to keep them stimulated, but many of these articles and studies are designed for public consumption and to persuade politicians and the voting public. As such, they aren't behind paywalls or written at a reading level that wouldn't be accessible to Novices, Middle School Debaters, or those reading below grade level.

Specifically, discussions of election reforms are hot topics in newspapers and think tanks, both of which are writing for a more general audience and at a lower reading level than the average law review. As the director of an Urban Debate League and a topic reviewer, I am always sensitive to the availability of information that is at an appropriate reading level for our students, and after researching and writing this paper, I am not concerned about the availability of literature for all the levels of students we serve.

Some of our reviewers mentioned the potential for negative teams to be stuck with generics or morally questionable case arguments on some cases (such as voting rights). We have reviewed the available literature from serious think-tanks like Heritage, CATO, AEI, etc. and concluded otherwise, there are a fair number of specific criticisms to many common proposals that aren't based in conspiracy or racism. Furthermore, some "generics" like Federalism are also actual topic specific DAs designed for this topic, so these debates will have previously unseen depth and sophistication compared to other topics that they don't really apply to.

# Terms:

## **campaign finance**

“Campaign finance refers to all funds that are raised and spent in order to promote candidates, parties or policies in some sort of electoral contest.” Wikipedia

“Campaign finance refers to the means by which money is raised for political [election campaigns](#).” WordIQ.com

## **district**

“A division of an area, as for administrative purposes.” American Heritage Online Dictionary

“a territorial division (as for administrative or electoral purposes).” Merriam-Webster Online Dictionary

## **drawing**

“The art of representing objects or forms on a surface chiefly by means of lines.” American Heritage Online Dictionary

“the art or technique of representing an object or outlining a figure, plan, or sketch by means of lines.” Merriam-Webster Online Dictionary

## **election**

(1) The term “election” means— (A) a general, special, primary, or runoff election; (B) a convention or caucus of a political party which has authority to nominate a candidate; (C) a primary election held for the selection of delegates to a national nominating convention of a political party; and (D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President. – From the Federal Election Campaign Act of 1971 (<https://www.govinfo.gov/content/pkg/COMPS-985/pdf/COMPS-985.pdf>)

## **electoral campaign**

“The electoral campaign can be defined as the set of lawful activities electoral contenders carry out once they have formally been named as such”

(<http://web.cas.suffolk.edu/faculty/druke/un/elections/main/english/lf/lf06.htm>)

## **electoral integrity**

“any election that is based on the democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle.” (Kofi Annan Foundation, 2012)

## **electoral intervention**

“Our experiments also revealed that even modest forms of electoral intervention divided and demoralized the country. Although active measures such as funding, defamation, and hacking were most corrosive, mere endorsements by foreign countries also managed to provoke substantial public ire, undermine faith in democratic institutions, and split the nation along partisan lines.” (Tomz and Weeks)

“Recent studies indicate that partisan electoral interventions, a situation where a foreign power tries to determine the election results in another country” (Levin)

### **expand**

to increase the extent, number, volume, or scope of – Merriam-Webster Online

to [increase](#) in [size](#), [number](#), or [importance](#), or to make something [increase](#) in this way – Cambridge Dictionary Online

### **federal**

“formed by a compact between political units that surrender their individual sovereignty to a central authority but retain limited residuary powers of government” Merriam-Webster Online Dictionary

“Of or constituting a form of government in which sovereign power is divided between a central authority and a number of constituent political units.” American Heritage Online Dictionary

### **gerrymandering**

“the act of altering political boundaries in order to give an unfair advantage to one political party or group of people.” Collins Online Dictionary

When political or electoral districts are drawn with the purpose of giving one political group an advantage over another, a practice which often results in districts with bizarre or strange shapes. Frequently referred to as "political gerrymandering" or "jurisdictional gerrymandering." see, e.g. United States v. Hays, 515 US 737 (1995) and Miller v. Johnson, 515 US 900 (1995). – Legal Information Institute

drawing political boundaries to give your party a numeric advantage over an opposing party – Washington Post, March 1, 2015  
(<https://www.washingtonpost.com/news/wonk/wp/2015/03/01/this-is-the-best-explanation-of-gerrymandering-you-will-ever-see/>)

### **increase**

“become or make greater in size, amount, intensity, or degree”. Oxford Online Dictionary

“to become greater or larger” American Heritage Online Dictionary

### **Independent commission**

“The definition of an independent commission is a group free from outside or political control that works towards a specific goal for the country, state, etc.” Yourdictionary.com

### **Influence**

“the capacity to have an effect on the character, development, or behavior of someone or something, or the effect itself:” Oxford Online Dictionary

“Power to sway or affect based on prestige, wealth, ability, or position:” American Heritage Online Dictionary



**Interest group**

“Non-profit and usually [voluntary organization](#) whose [members](#) have a [common cause](#) for which they seek to [influence public policy](#), without seeking [political control](#). Their [primary activities](#) are [lobbying](#) the members of legislative bodies through [contribution](#) to political [parties](#), [working](#) to [elect](#) sympathetic or pliable politicians, and conducting covert or [open propaganda campaigns](#).” From [www.businessdictionary.com](#).

**overturn**

To change a legal decision – Cambridge English Dictionary online

To invalidate or reverse (a decision) by legal means – The Free Dictionary Online

Sometimes courts will choose to overturn precedent, rejecting a prior interpretation of the Constitution in favor of a new one. This rarely happens but may occur if a prior decision is deemed unworkable or if significant social changes have occurred. – Ballotpedia

**political contributions**

“a contribution made to a politician or a political campaign or a political party.” The Free Dictionary.

**reduce**

“make smaller or less in amount, degree, or size” Oxford Online Dictionary

“To bring down, as in extent, amount, or degree; diminish” American Heritage Online Dictionary.

**regulation**

“A rule of order having the force of law, prescribed by a superior or competent authority, relating to the actions of those under the authority's control.” The Free Dictionary.com

“a rule or directive made and maintained by an authority” Oxford Online Dictionary

**should**

“used to indicate obligation, duty, or correctness, typically when criticizing someone's actions”. Oxford Online Dictionary

“used to express obligation or duty”. American Heritage Online Dictionary

**strengthen**

“The capacity to resist strain or stress; durability” American Heritage Online Dictionary

“make or become stronger” Oxford Online Dictionary

**substantially**

Author's note – as anyone who has coached or debated will know, several legal definitions exist that assign a precise percentage to this term. However, those definitions are often, by their context, limited to addressing the issue that was at bar in that particular case. Thus, while a list of cases could cite substantially as meaning anything from 10 percent up to 90 percent, I will refrain from listing them here.

“to a great or significant extent”. Oxford Online Dictionary

“considerable in importance, value, degree, amount, or extent”. American Heritage Online Dictionary

### **superPAC**

“the superPAC can raise unlimited funds from individuals and corporations, although unlike 501 (c) organizations they must disclose the identity of their contributors. But they are also free to expressly advocate the election or defeat of particular candidates.” (Hudson, 191)

“a Political Action Committee in the USA, which is allowed to spend unlimited amounts on political campaigning provided that it has no direct contact with any candidate or political party” Macmillan Online Open Dictionary

### **United States federal government**

“The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United States with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary.” US Legal.com Definitions

“The [government](#) of the [United States](#), established by the [Constitution](#), is a [federal republic](#) of 50 [states](#), a few territories and some protectorates. The national government consists of the executive, legislative, and judicial branches.” Word IQ.com

### **United States Supreme Court**

The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution.

The Supreme Court consists of the Chief Justice of the United States and such number of Associate Justices as may be fixed by Congress. The number of Associate Justices is currently fixed at eight (28 U. S. C. §1). Power to nominate the Justices is vested in the President of the United States, and appointments are made with the advice and consent of the Senate. – U.S. Supreme Court Website (<https://www.supremecourt.gov/about/about.aspx>)

The Supreme Court of the United States (SCOTUS) is the highest court in the federal judiciary of the United States. It has ultimate appellate jurisdiction over all U.S. federal court cases, as well as over state court cases that involve a point of federal law. It also has original jurisdiction over a narrow range of cases, specifically "all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party."<sup>[2]</sup> The court holds the power of judicial review, the ability to invalidate a statute for violating a provision of the Constitution. It is also able to strike down presidential directives for violating either the Constitution or statutory law.<sup>[3]</sup> However, it may act only within the context of a case in an area of law over which it has jurisdiction. The court may decide cases having political overtones but has ruled that it does not have power to decide non-justiciable political questions. – Wikipedia

The U.S. Supreme Court is the final appellate court of the U.S. judicial system. It has the power to review and overturn the decisions of lower courts. The Supreme Court also has original jurisdiction (being the first and final court to hear a case) in certain cases involving public officials, ambassadors, or disputes between states. – Official Guide to Government Information and Services, found at usa.gov (<https://www.usa.gov/federal-agencies/supreme-court-of-the-united-states>)

### **voting and ballot Access**

The facilitation of voting and the process of conducting and managing U.S. elections at all levels – Federal Election Commission (<https://www.fec.gov/press/resources-journalists/voting-and-ballot-access/>)

### **voting rights**

a set of legal and constitutional protections designed to ensure the opportunity to vote in local, state, and federal elections for the vast majority of adult citizens. The right to vote is an essential element of democracy in any country, and the proportion of adult citizens who exercise that right in free, fair, and frequent elections is one measure of how democratic a country is. – Britannica Online

rights of participation in especially public elections – Merriam-Webster Online  
Sample Resolutions:

## About the Authors:

We are excited to present a collaboration and joint vision this year, combining initial proposals for an election topic and a constitutional reforms topic.

We surveyed our students to see which of the proposed topics they'd like us to advocate for, vote for, and write. The leading choices were civil rights and democracy reform. The events of January 6th were on our doorstep (David was in the middle of a virtual practice debate when some of our debaters started hearing shouting outside their doors), and the impacts of democracy are felt in our everyday lives. We were excited to partner with some excellent educators from Mississippi with a similar vision of discussing some structural reforms to the American Project.

**Jessica Berenson:** The 2022 Washington Urban Debate League Volunteer of the Year, Jess is GDS debate alumna and an active coach across several programs in Washington D.C.. Her day job is as the Exec. Director of the Matthew Harris Ornstein Memorial Foundation.

**McAlister Clabaugh:** A long-time volunteer with the Washington Urban Debate League, Mac joined the WUDL staff this year as a Program Associate. A former debater from Washington State, Mac worked in public policy before returning to debate.

**Rachel Clapper-Davis:** A classroom teacher, tournament administrator, and debate coach at Madison Central High School in Mississippi, Rachel was the 2021 Magnolia District Coach of the Year.

**Darin Maier:** The Director of Speech and Debate and a classroom teacher at St. Andrews Episcopal High School in Mississippi, Darin has authored a number of papers, including the Latin America Topic. He is the Voting Delegate for Mississippi to the NFHS Topic Committee and has been a Member of the Topic Wording Committee.

**Dennis Martinez:** A rising sophomore at the University of Maryland, Dennis is an alumnus of, and now a coach for the Washington Urban Debate League, where he won a number of local and regional awards.

**David Trigaux:** David is the Director of the Washington Urban Debate League. Before + outside of debate, he works in politics in an array of capacities. He is the voting delegate for both Washington D.C. and for Maryland to the NFHS Topic Committee.

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