

FULL COMMITTEE BUSINESS MEETING

BUSINESS MEETING

BEFORE THE

COMMITTEE ON RULES AND
ADMINISTRATION

UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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COMMITTEE ON RULES AND ADMINISTRATION

FIRST SESSION

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FULL COMMITTEE BUSINESS MEETING

TUESDAY, MAY 11, 2021

UNITED STATES SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC

The committee met, pursuant to notice, at 10:01 a.m., in Room 301, Russell Senate Office Building, Hon. Amy Klobuchar, Chairwoman of the committee, presiding.

Present: Senators Klobuchar, Blunt, Feinstein, Schumer, Warner, Leahy, King, Merkley, Padilla, Ossoff, McConnell, Shelby, Cruz, Capito, Wicker, Fischer, Hyde-Smith, and Hagerty.

OPENING STATEMENT OF HONORABLE AMY KLOBUCHAR, CHAIRWOMAN, A U.S. SENATOR FROM THE STATE OF MINNESOTA

Chairwoman KLOBUCHAR. Thank you. We have a quorum present, so I call this meeting of the Senate Committee on Rules and Administration to order.

Pursuant to the notice that was circulated last week, pursuant to the committee's rules, we are here today for the purpose of considering S. 1, the For the People Act. I will begin by giving a brief opening statement, and I would like to thank Senator Blunt and our colleagues for being here.

Today we will mark up the bill, legislation that I am honored to lead, along with Senator Merkley and Leader Schumer, that has been co-sponsored by every Democratic member of this committee. At our organizing meeting in February, I said this bill would be the subject of our first legislative hearing which we held in March, and we are here today to move this process forward.

The freedom to vote is fundamental to all of our freedoms. It is how Americans control their Government and hold their elected officials accountable. The For the People Act is about setting basic national standards to make sure all Americans can vote safely in the way that works best for them, regardless of what state or zip code they live in. The For the People Act is about reducing the power of big money in our elections by ending secret spending by billionaires and special interests, and the For the People Act is about making anti-corruption reforms to ensure all politicians work for the people, not for themselves.

The stakes could not be higher. The freedom to vote is fundamental to our Nation. It is the bedrock of the system of our government. It was the founding principle of our country, and it has withstood the test of wars, economic strife, and a global pandemic. We were reminded in a very visceral way on January 6th that it is up

to us to protect against threats to our democracy, to ensure that our democracy succeeds. Our committee is doing important work in the aftermath of that horrific day, including with a bipartisan report that we will release this month. As we move forward, I can think of no more vital task than bolstering our democracy, and this bill was introduced to do just that by making sure our government works for the people.

What we have learned from the 2020 election is that you can simultaneously make elections fair and secure while giving voters options that work for them. In fact, the two go hand-in-hand. Many states took steps exactly like that, extending options for voters to vote by mail and vote early. The result was that nearly 160 million Americans voted, more than ever before, and in the middle of a pandemic. In an election that the Trump Department of Homeland Security declared the most secure in our history, the American people cast their ballots in record numbers. But in the wake of that historic election, when so many Americans cast their ballots in the middle of a pandemic, the effort to undermine the freedom to vote in future elections has been coordinated and overwhelming with over 360 bills introduced in 47 state legislatures this year to roll back voting rights.

Since our hearing in March, we have seen multiple states continue to move to infringe on the freedom to vote. In fact, Article I, Section 4 of the Constitution has prepared us to confront just such a scenario. It says that Congress can “make or alter rules for Federal elections at any time,” a power the Supreme Court has repeatedly upheld as broad and comprehensive.

Here is why this is so important. The very next day after our hearing, Georgia’s infamous bill restricting voting by mail and making it illegal to bring food and water to voters waiting in long lines became law. Last week, Florida’s Governor signed legislation to limit access to drop boxes and make it harder to vote by mail. Another bill is now advancing in Texas, and 38 bills to restrict voting have passed at least one chamber of a State Legislature. These bills that are moving in state capitals across America are not empty threats. They are real efforts to stop people from voting. They would: limit voting by mail, purge voters from rolls, restrict early voting, or all of the above, making it harder for millions of Americans to have their voices heard in our democracy.

At the same time, secret money is flooding our elections, denying voters a right to know who is trying to influence their vote. Spending for the 2020 election cycle was approximately \$14 billion. That is more than double the 2016 election cycle. While more than 98 percent of Americans who made political contributions last year gave less than \$200, those who gave donations larger than that accounted for nearly three-quarters of all contributions made. We need to take these threats to our democracy head on with immediate action to restore Americans’ confidence in our political system, and that is exactly what the For the People Act does.

These are proposals that a majority of Americans agree with, and with this bill, we can get them done and ensure that America has a democracy that works for them. One poll last month found that 78 percent of Americans, including 63 percent of Republicans, support making early person voting available for at least two weeks

before Election Day. That is a Pew poll, April 2021. Another found that 83 percent of likely voters support public disclosure of contributions to groups involved in elections. That is a Campaign Legal Center poll, November 2019.

Many of the bill's provisions have already been adopted in red, blue, and purple states and have the support of Governors and election officials from both parties. Importantly, the bill contains nine bipartisan bills, including the Honest Ads Act, which I first introduced with Senator Warner, who is here today, as well as Senator McCain. Senator Lindsey Graham has now taken his place on that bill. Other provisions, like the one to create a code of ethics for the Supreme Court, are based on bills introduced by Republicans alone. This bill was led by Congressman Darrell Issa.

At our hearing, we heard that states have not yet put reforms in place, but they can do so quickly. We heard it from someone who did it herself when Secretary of State Jocelyn Benson told us how Michigan successfully implemented many of these reforms during the pandemic leading up to the 2020 election. We heard from Trevor Potter, a Republican, former chairman of the Federal Election Commission, about the need to limit the influence of money in politics. To my colleagues across the aisle, this is what he said: "This bill does not give power to any particular party over another. It gives power back to the voters."

Since our hearing, we have worked to make the For the People Act even stronger, and today, I will introduce a manager's amendment that includes improvements to the bill based on the feedback we have heard. The manager's amendment includes changes that respond directly to points raised by my Republican colleagues and their witnesses, including West Virginia Secretary of State, Mac Warner. In fact, it includes two amendments led by Republicans that were adopted in the House-passed bill, one that Senator Warner has filed as a separate amendment as well.

The manager's amendment also incorporates input from state election officials from both parties. It will make it easier for states to implement these reforms, a concern we took seriously. These reforms are things like giving states more time to provide same-day registration at polling places, while letting voters register same day at central locations, providing flexibility for small jurisdictions, and shortening the window for accepting ballots after Election Day so states can certify the results. I could go on, but the point is that we listened to people on both sides of the aisle and made changes based on those discussions. Now I urge our Republican colleagues to recognize the work we have done and join us in supporting the manager's amendment, which brings us to the task at hand.

We have a good bill with broadly popular provisions, but more than it being popular, it is the right thing to do. In the face of these efforts to roll back voting rights in so many states, the bill is based on a simple idea: that Americans must be able to freely choose their elected officials and government must be accountable to the people. This is not a Democratic or Republican idea. It is a core American idea. I look forward to marking up this bill and moving our process forward.

With that, I now recognize Ranking Member Blunt for his opening statement. Thank you.

**OPENING STATEMENT OF HONORABLE ROY BLUNT, A U.S.
SENATOR FROM THE STATE OF MISSOURI**

Senator BLUNT. Well, thank you, Chairwoman Klobuchar, and thanks to all my colleagues for attending today.

As we prepared for this markup, my staff actually went back and reviewed transcripts of previous Rule Committee business meetings. As most of you know, on this committee, we work primarily through consultation, courtesy, accommodation, resulting usually in unanimous consent. In fact, the daily administrative decisions of the Senate make every week interesting, sometimes challenging, particularly during the last year, and often entertaining, but only entertaining in retrospect as you look back at what members thought was critically important that week.

We do not have very many lengthy or spirited markups in this committee. They happen from time to time. It actually appears the cycle is very close to the appearance of the cicada. About every 17 years, we have a significant markup in this committee. The most recent example of that occurred on April the 27th, 2005, when Senator Trent Lott of Mississippi was the chairman. The committee was considering legislation clarifying the status of 527 organizations. During that markup, there were lots of questions about procedures that the committee would follow. Unfortunately, while those questions were answered, there is no real record of where those questions were answered at that time. Because legislative markups of this nature are less frequent, I will ask Chairwoman Klobuchar, who was notified, that I would be asking a few questions this week to build a record so that next time this comes up, the ranking committee chairman—the chairman, the Ranking Member, and the members will have a record to go back to.

But today's markup is the top legislative priority of the Democrats in the Senate. I think it raises fundamental questions about the nature of our elections. Should political campaigns be federally funded? Who should handle a voter's ballot? Should armies of paid campaign staff, so-called ballot harvesters, not only be allowed to collect ballots, but be required in every state not to be prohibited to collect ballots anywhere—nursing homes, retirement communities, or, frankly, anywhere from anyone? Should the list of eligible voters on Election Day be accurate? Who do you trust more to run elections in your community? Should your neighbors and fellow residents run elections in your community, or should Federal officials in Washington, DC make the rules?

Most Americans agree that voting is already pretty easy, yet we find ourselves here being asked to support a Federal takeover of elections that would force a Washington, DC one-size-fits-all approach on every voting precinct in every state for elections that begin less than a year from now, an approach that would cause chaos on Election Day and erode trust in our election system. The problem here, however, even if we change those deadlines, in my view, is not how quickly this would happen, but whether it should ever happen. I happen to think that local officials running elections with local decisions has served the country and continues to serve the country pretty well, just as it did in 2020.

This is, in my view, a bad bill full of bad policies that create problems more than they create solutions. We should be focused on

making it easier to vote and harder to cheat. Regrettably, I think this bill makes it easier to cheat and harder to detect. Except for Senator Manchin, every Democrat senator has unfortunately sponsored this Federal takeover of our elections. As Senator Klobuchar mentioned, that would mean every Democrat on this committee.

S. 1 prevents states from asking voters for identification, even if the state currently allows it. It allows paid campaign operatives to fan out across the community and collect ballots. They can collect ballots from your—from you, from your neighbors, from even vulnerable voters, like seniors at nursing homes. Ballot harvesting is ripe for exploitation. In fact, those of us in the Senate watched across the building just a year ago when we saw a recent North Carolina election where ballots were altered and mishandled, requiring a new election to be held. In addition to undermining voter identification and allowing complete strangers to take your ballot, S. 1 prevents your states from maintaining an accurate list of eligible voters. Voter rolls are the foundation of election administration. Accurate lists mean that eligible voters are able to cast a ballot, that election officials know who has voted and who has not, and that the voter check-in process at polling places is more efficient and quick.

Think about this for one moment, especially in our current environment. As our country comes out of a pandemic, people are selling their current homes. They are moving at rates faster than they had before. Sometimes they are moving across town, sometimes to a new city or state. Should the voter rolls reflect who can legally vote in your state, in your county, or in your precinct? The Democratic Party thinks it is wrong to allow states to verify who is still eligible to vote and who is no longer eligible to vote, resulting in the potential for voting by ineligible voters, double voting by voters or, let us take this to a specific level, in maybe a state representative race where a state representative is elected by a handful of votes, only to find out later that a dozen people voted who were not legally eligible to vote in that district. That not only disadvantages that candidate but every voter who voted legally in that election.

The right to vote is a bedrock principle in our democracy. The right to vote wherever you want to is not a bedrock principle in our democracy. How is anyone served best by this Federal mandate? How does this make our elections more secure or bolster voter confidence in election outcomes? We will likely hear from supporters of the bill that there is no widespread fraud in elections, but that begs the question of what level of cheating and fraud is acceptable to the co-sponsors. Is one election altered by cheating or fraud acceptable? Is two elections acceptable? Ten elections acceptable? At what point do we no longer want to worry about whether there is fraud in the elections or whether the people who are voting are actually people who should be voting and legally are voters in that district?

This bill prohibits states from putting in place reasonable election security measures that have been upheld by our courts. It takes away the guardrails that prevent fraud from happening and ensure that fraud is detected. If this bill becomes law, we may never know how much fraud is acceptable for my Democratic friends because S. 1, as I said earlier, makes it easier to cheat and

harder to detect. If these flaws are not enough, imagine the Federal Government spending \$1.8 billion so that all members of the Senate could run for re-election. Depending on the state, a sitting United States senator would be eligible for as much as \$80 million in public funds to run campaigns. Because this legislation was developed without input from Republicans, my colleagues and I filed amendments to answer our concerns and address our concerns.

As I mentioned earlier, I will now ask Senator Klobuchar four questions about the process the Rules Committee will follow today. The first question, Senator, would be, does the Chairwoman agree that Rule 15 of our committee rules presents the casting of votes by proxy for amendments and other matters, except for the motion to report legislation?

Chairwoman KLOBUCHAR. Yes, Rule 15 and the committee rules permits proxy voting on all measures and matters before the committee, including amendments and procedural votes. We will have to have a quorum here. We have to have six people present here for these votes. Votes cast by proxy will count in the same manner as other votes for amendments and procedural matters. We need—we can do proxies, but we have to have six live people here. However, Rule 15 does not permit proxy voting on a final vote to report a matter.

Senator BLUNT. Right.

Chairwoman KLOBUCHAR. During a vote to report a bill, senators who are not physically present may have their proxy vote recorded solely for the purpose of recording a member's position on the question. These proxy votes would not have any kind of an impact on the outcome of the final passage. In other words, people should be here for the final vote. You and I, Senator Blunt, have agreed that we will not suddenly call the final vote on the bill and that we will give people notice so that they can be here.

Senator BLUNT. Thank you for that answer, Chairwoman. Do you agree that should one of our colleagues appeal a decision of the chair, the proper question to put to a vote is, "shall the decision of the chair stand as the judgment of the committee?" This phrasing, by the way, is based off the current Senate rule practice as written in the Senate Procedures.

Chairwoman KLOBUCHAR. The chair is aware that there is precedent for a variety of ways of phrasing the question when voting on an appeal to the ruling of the chair. For example, and you have one example I know, but, for example, during the business meeting to consider the nomination of Betsy DeVos to be Secretary of Education on January 31st, 2017, Chairman Alexander stated, "The first thing we are going to do is vote on Senator Murray's motion to overturn the ruling of the chair." The vote was 11 ayes and 12 nays, and the committee proceeded with the motion defeated and the ruling of the chair sustained. Further, the precedent that you just cited, Ranking Member Blunt, my friend, does not take into account the unique circumstances of an evenly divided Senate. I think we are well aware of these unique circumstances as I see both leaders on this committee.

Rule 20 of the Standing Rules of the Senate makes clear that questions of order shall be decided by the presiding officer without debate, subject to an appeal. As is noted in Riddick's Senate Proce-

ture, decisions of the chair are subject to appeal, and, by a majority vote, the Senate may reverse or overrule any decision by the chair. In the unique circumstance of an evenly divided committee, however, following the traditional language used to put an appeal to a vote would mean that the minority party would be able to overturn any ruling of the chair. This clearly runs counter to the basic idea of Senate committee procedure.

The traditional authority of the chair to schedule committee business and rule on questions of order and the spirit of the power-sharing agreement—and we have the people that made the agreement right here—for the 117th Congress. Therefore, it is the intention of the chair, on any appeal of a ruling of the chair, to state the question for a vote as “Will the ruling of the chair be overturned.”

Senator BLUNT. That appears to me to be at variance with the current Senate floor practice, which would stand even in an equally divided Senate. The Senate Rules right here before me would suggest that you phrase that question differently.

Chairwoman KLOBUCHAR. I understand that there has been different precedent, and I am aware of that precedent and the variety of ways of phrasing this question. I just believe on the committee level, if we were to take this to its extremes and use this language as you are suggesting it, the minority party would be able to overturn any ruling of the chair, and I do not believe that is what we intend to do here. I am going to, as the chair, use the phrase, “Will the ruling of the chair be overturned,” when there is an appeal to me of a question. I will note that because we are evenly divided, any amendment put forward by the majority party or the minority party that ties at 9–9 will not be accepted.

Senator BLUNT. Let me ask another question, Chairwoman. Will our colleagues have the opportunity to offer all amendments that comply with the committee’s rules?

Chairwoman KLOBUCHAR. The chair intends to have a thorough markup and encourages members to work on a bipartisan basis so we can hear as many amendments as possible. We have reviewed the amendments put forth by the minority party. There are many, many of them. We think some of them could be combined. We might be interested in supporting some of them, and we just encourage you to work with us on this. There are some that are duplicative. But I will say I am not going to permit any dilatory tactics and do retain the prerogative to move to final passage of the bill with, of course, appropriate notice so that no one would be caught off guard or would be unable to attend the vote on the final passage of the bill. But my—I intend to have a very thorough markup. We have a major manager’s amendment and have filed some amendments ourselves, not nearly as much as the other side, but I hope we can move through these expeditiously.

Senator BLUNT. I assume since we are putting that on the record, that would be the standard for the committee in the future when our side was in control as well.

Chairwoman KLOBUCHAR. That we try as much as possible to move the markup expeditiously, that we encourage members to work on a bipartisan basis, and that we—the chair will not permit clearly dilatory tactics, and retains the prerogative to move to vote

on final passage of the bill, yes, I think that would apply no matter who is chairing.

Senator BLUNT. Well, will the chair allow full—our colleagues to fully debate amendments until no one seeks recognition on an amendment?

Chairwoman KLOBUCHAR. The chair intends to allow a fair discussion of the merits of the bill and amendments and ensure that members have an opportunity to be heard. I would remind committee members that we have a lot of amendments to get through. I know our staff and many of us were up late into the evening looking at them, and I encourage members, as I said, to be as efficient as possible. I, again, will not permit clearly dilatory tactics and retain the prerogative to move to a vote on amendments when appropriate.

Senator BLUNT. Well, I hope that the dilatory tactics would not be seen as not letting every member that wants to speak on an amendment speak on that amendment.

Chairwoman KLOBUCHAR. Again, I think that we will proceed and try to do this markup as efficiently as possible and allow as many amendments as we think are appropriate. Given that, we will see what happens. Maybe we can have some bipartisan agreement on amendments. Maybe we can combine some of these amendments. There are many things we could do to move this markup along.

Senator BLUNT. Well, I hope the—we as the collective “we,” not the royal “we,” and thank you for responding to those questions, Chairwoman.

Chairwoman KLOBUCHAR. Thank you. Senator Schumer with an opening. I think we are going to have both leaders speak and then move on to the amendments.

OPENING STATEMENT OF HONORABLE CHARLES SCHUMER, A U.S. SENATOR FROM THE STATE OF NEW YORK

Senator SCHUMER. Well, thank you, Madam Chair, and thank you for the excellent job you are doing here. I thank the Ranking Member for his usual courtesy—courteous way of suggesting what he has.

Now quote: “Who are to be the electors of the Federal representatives,” James Madison asked at the Constitutional Convention. Quote “Not the rich more than the poor; not the learned more than the ignorant; not the haughty heirs of distinguished names. The electors are to be the great body of people—of the people of the United States.” That noble principle, mass participation in representative government, might have been the object of the founders, but it was not a practice. Immediately excluded were 700,000 enslaved men and women counted as three-fifths of a person for the purpose of congressional allotment, but zero-fifths of a person in all other matters of human dignity. Women, too, were left out. Voting requirements were left to the states.

Despite Madison’s sentiments, at the time of our Constitution’s ratification, you had to be a white male, often time Protestant landowner to vote. By the election of 1800, barely more than 1 in 10 Americans were even eligible to vote. Of the 16 states then in the Union, all but three limited suffrage to property holders or tax-

payers. How many in this room would have been able to participate in those early elections? Not very many.

But ever since, Americans have sought to right that wrong and established the United States as a full democracy. We fought a bloody civil war to end slavery. Women organized and reached for the ballot. The Civil Rights Movement brought an end to the vicious segregation of the mid-20th century. Here in Congress, we passed the Voting Rights Act, the National Voter Registration Act, the Fourteenth, Fifteen, Nineteenth, Twenty-Third, Twenty-Fourth, and Twenty-Sixth Amendments, all to expand the franchise until there were no more boundaries.

The story of democracy in America has been an inexorable march toward universal suffrage, and America is very proud of that fact. The march has not always been linear. Throughout our Nation's history, moments of significant progress have often been followed by reactionary backlash. Unfortunately, it seems, led by one party, compelled by the most dishonest President in our history, we are on the verge of entering another one of those dark periods.

In the wake of the 2020 elections, deemed the most secure in American history by officials of the previous Administration, Former President Trump told a lie, a big lie, that the election was stolen. Without proof or evidence, the former President and his allies repeated this lie over and over again, poisoning faith in our democracy and fomenting an armed insurrection at the Capitol. Now, in states across the country, Republican legislators have seized on the big lie to restrict the franchise and inevitably make it harder for African-Americans, Latinos, students, and the working poor to vote. Here in the 21st century, we are witnessing an attempt at the greatest contraction of voting rights since the end of Reconstruction and the beginning of Jim Crow.

All across the country, Republicans no longer want to let the voters pick their politicians. They want to let politicians pick their voters, deliberately targeting all the ways that younger, poorer, and non-white Americans typically access the ballot. Iowa cut early voting by 9 days, restricted absentee voting, and will close polls an hour earlier. Montana ended Election Day registration and will no longer allow student IDs to be used as a primary form of identification. In Florida, where African Americans and poorer voters rely on after-hours drop boxes, Republicans limited their use. In a landmark moment for the First Amendment, the press was not allowed to attend the Governor's signing ceremony, except for Fox News.

In Texas, Republicans advanced two voter suppression bills, one in each chamber. The original bill in the Texas State House specified that its purpose was to maintain "the purity of the ballot box," a euphemism that dates back to the 1800s and was used as justification for Texas' sordid history of all-white primaries. The offensive language was eventually stripped from the bill, but much of the policy remained the same. In Arizona, a state representative defended Republican attempts to limit ballot access by saying quite succinctly that, "Everybody should not be voting."

In the time since this committee met, the State of Georgia has made it a crime—a crime—for volunteers to provide food and water to voters waiting in long lines at the polls. I mean, my God, why are my Republican colleagues not outraged by this? Why, when a

few corporations had the audacity to put out statements opposing the Georgia law, did the Republican leader tell them to stay “out of politics” and stop acting like “a woke parallel government?” For supporting voting rights? What have we come to? What have we come to?

I want to be very clear today. These laws have no justification rooted in fact or purpose other than the desire for raw political advantage. Do not tell us these laws are about voter fraud. You are more likely in America to be struck by lightning than commit voter fraud. Do not tell us about these laws about—are about strengthening our elections. Shortening the early vote does not strengthen our elections. Limiting the number of ballot—of drop boxes does not strengthen our elections. Criminalizing food and water to voters does not strengthen our elections. These laws are about one thing and one thing alone: making it harder for Americans to vote. They are reprehensible, in my judgment. They are anti-democratic in the judgment of most, and they carry the stench of oppression.

In democracy, when you lose an election, you try to persuade more voters to vote for you. You do not try to ban the other side from voting. That is what Orban does. That is what Erdogan does. That is what dictators do. What are my Republican colleagues in the Senate going to do? These laws carry the stench of oppression, the smell of bigotry. Are you going to stamp it out, or are you going to allow it to be spread? I plead with my Republican colleagues, think twice. I plead with Leader McConnell, think twice. The eyes of history are on all of you. Where are you going to stand? Think twice, please, my Republican friends. Think twice, Leader McConnell.

President Trump told a big lie, one of the biggest ever told. We all know that. Every single person in this room knows that. Every single person, and it is taking root. This big lie is taking root in our country, not just in the minds of his voters, but in the laws of the land. When you perpetrate—when you—when you perpetuate or tolerate lies about the election like this, you erode our democracy. When people don’t believe elections are on the level, it places us on a road to autocracy. Who knows what will happen next? Who knows?

This is a sad and dark moment, I must say, for the Republican Party. Republicans are seeking to perpetrate and act upon the big lie that the election was stolen simply to placate, maybe please, the most dishonest President in American history, and unfortunately, the big lie is spreading like a cancer among Republicans. It is enveloping and consuming the Republican Party in both Houses of Congress. Down the hall from us, House Republicans are plotting the demotion of a Republican member for the crime of repeating the truth that Joe Biden is the President of the United States, and that Donald Trump is lying. Liz Cheney spoke truth to power, and for that, she is being fired.

Here in the Senate, Republicans appear content to allow the sacred right to vote to be taken away from millions on the false ground that there was fraud, something for which there is no evidence. Even my good friend from Missouri thinks we have to stop future fraud. Stop people from voting because there might be fu-

ture fraud? That is not the way to do this. Every Republican in this room knows Joe Biden won the election fair and square. Everyone. Everyone knows that Donald Trump perpetrated the big lie. But, unfortunately, it seems the price of admission in today's Republican Party is silence in the face of provable lies, lies that right now are poisoning our democracy and exciting a plague of voter suppression.

This is a danger, not just to the Republican Party. I believe it is a danger to the Republican Party, and as we need two strong parties, it is a danger to the republic. Are there not a few Republicans who will fuse—refuse to follow the rush of their party, who will follow the example of Liz Cheney here on this committee today? Maybe there will be a Republican who will support this bill or at least offer constructive amendments. I hope there will be a few. I hope and pray.

The bill before this committee has a very simple premise: make it easier, not harder, to vote. S. 1 would nullify many of these voter suppression laws and protect the rights of American voters, whether they cast their ballots for Democrats or Republicans. It would automatically register American voters when they get a driver's license, guarantee at least 15 continuous days of early voting, end partisan gerrymandering, and bring transparency to our campaign finance system. I know my Republican colleagues do not like every aspect of it. Fine. Tell us how you would change it. Offer good faith amendments to improve the bill, which the chair has said she would graciously and eagerly entertain. But, my Republican colleagues, if you choose the path of uncompromising opposition, you will cast yourself in league with the most reprehensible, sweeping voter suppression effort in decades. That is a legacy-defining choice. I yield the floor.

Chairwoman KLOBUCHAR. Thank you, Senator Schumer. Senator McConnell?

**OPENING STATEMENT OF HONORABLE MITCH MCCONNELL, A
U.S. SENATOR FROM THE STATE OF KENTUCKY**

Senator MCCONNELL. Madam Chairwoman, we will hear a lot of flowery language today, including from my friend and colleague, the majority leader, but we all learned early in life if you can write the rules, you can win the game. If you can write the rules, you can win the game. For multiple years now, not just this year, but for multiple years now, Democrats have called this sweeping bill their top priority. You just heard the majority leader make a totally partisan speech about it. There is nothing bipartisan about this. This was cooked up at the Democratic National Committee and designed to advantage one side to the disadvantage of the other. The substance of the legislation actually had not changed over the years, but the supposed rationales have changed constantly.

In 2016, American voters made a Presidential decision the Democrats did not like. This legislation was cooked up at that particular point and presented as a massive overhaul, an emergency repair job for a broken democracy. That is what it was back then. Last autumn, voters made a decision that Democrats liked a lot better. Suddenly their side stopped calling our democracy broken. Now our

democracy was beyond reproach. But curiously enough, the Democrats still want the exact same sweeping bill just as desperately. The truth is quite simple. Our democracy is not in crisis, and we are not going to let one party take over our democracy under the false pretense of saving it.

Voter turnout last November blew 2016 and 2018 out of the water. The 2020 election saw the highest turnout in decades. The hysterical attacks that the political left has thrown at the new election law in Georgia, for example, have been thoroughly debunked by fact checkers. African-American turnout last fall was twice as high in Mississippi as it was in Massachusetts. None of the shifting made-up rationales for this sweeping set of changes hold any water at all. Why are our friends on the other side so desperate to push it through? Why are Democrats so hellbent on doing whatever it takes to rewire our democracy on a thoroughly partisan basis?

Let us take a look at the bill. This legislation would let Washington Democrats dictate the terms of their own re-election races by rewriting all 50 states' election laws. Popular safeguards, like voter ID, would be neutered. Ludicrous practices, like ballot harvesting, would be mandatory coast to coast. Democrats have a narrow majority in the House and a 50–50 Senate, but they want to make themselves the board of elections for every county and state in America.

But voting regulations are just the start. This legislation would deliberately turn the Federal Election Commission into a partisan Democratic panel. They want their own side enforcing election law on their own, unilaterally. It would authorize Federal bureaucrats to poke around in a much broader slice of private citizens' free speech. It would attack Americans' privacy rights to such an extreme degree that even the liberal ACLU is sounding alarm bells about this bill. It would have the Federal Government take public money and send it directly to political campaigns so Americans can subsidize robocalls, junk mail, and TV ads for candidates they disagree with.

The marketing has changed constantly. This has gone from an election security bill to an ethics bill to a racial justice bill. Who knows what it will be labeled tomorrow? But what does not change is the substance because the intention does not change.

The Democratic Party, on its own, wants to rewrite the ground rules of American politics for their benefit. We all know that is what this is about. It is hard to imagine anything that would erode public confidence in our democracy more drastically. This bill has purely partisan support in the House. It had bipartisan opposition. It is one thing to make fiscal policy that way, to use reconciliation to tax and to spend. It is very different to try to hotwire our democracy itself without a single vote from the other side.

These are issues we have tackled together in the past. I was first chair and then Ranking Member, with Chris Dodd, in 2001 and 2002. We passed the Help America Vote Act with 90 votes. The slogan then was make it easier to vote and harder to cheat. On a bipartisan basis, we resisted the pleas of some to Federalize every aspect of how we handle elections. We set up the Federal Election Administration Act, we provided money to help states upgrade their equipment, but we deliberately did not seek to dictate how

they handle elections. That is how you pass a bill related to how the two parties compete, together, not on a totally partisan basis. That is how you strengthen our democracy.

If this bill were to pass, nobody would have any confidence in it, none whatsoever. Let us call it what it is. Put aside the flowery language. This is a partisan effort to take over how you do—how you conduct elections in our country.

Chairwoman KLOBUCHAR. Okay. Thank you. The committee will now turn to the consideration of S. 1, the For the People Act, and I—we have many amendments. The first one is the manager's amendment in the nature of a substitute to the bill, and I recognize myself to first speak on this amendment.

I would say, first off, that this bill—the base bill and the manager's amendment, it is a democracy bill. It is about—actually I was listening to my colleagues. It makes it easier to vote, and, yes, it makes it harder to cheat if that is the slogan we want, by making sure that we do not have big money coming in that is undisclosed, by making sure we have backup paper ballots in the eight states that do not have it, by updating our election equipment.

What I have found—I have been shocked by this—is that we had an amazing election with all-out voter turnout. But what has been happening, and we all know this—I see Senator Ossoff here from the State of Georgia—is that those reforms that made it easier for people to vote in the middle of a pandemic with mail-in voting and other reforms that made it easier, states—not all states, but a number of people in the Republican Party—are leading efforts to backtrack on those things that made it easier to vote. We had our hearing. We heard about the concerns on both sides, and we actually productively worked in the last month to come up with some ideas to get at the concerns raised by both Democratic and Republican election officials. This manager's amendment improves the bill and makes it easier to implement based on feedback we have heard. I want to thank our members, all of whom have had an imprint on this amendment, and all of whom are co-sponsors of the amendment.

Many provisions in the manager's amendment are direct responses to issues at the hearing. In addition to those changes, it includes nine bipartisan bills and a majority of the amendments offered by House Republicans that were included in the House-passed bill. I urge my Republican colleagues not to disregard these efforts and vote them down, but to join us in addressing the reforms that so many officials from their own party have called for. I urge them to do this because it is our duty as senators to take the legislative process seriously, to work together to listen to Americans and reflect their feedback in legislation.

Let us talk about what these improvements are in this amendment. The manager's amendment gives states more time to implement same-day registration at polling places while ensuring voters can still register same day at a central location. We did this because we heard concerns, including from Republican Secretary of State, Mac Warner, that the lack of reliable broadband in rural areas would make it hard to support the technology needed to register voters at the polls. It also gives states more time to implement automatic voter registration. Specifically, we ensure that

motor vehicle agencies would be able to receive an optional 2-year waiver if needed and pushed back the deadline for other state and federal agencies, including Social Security, state firearms agencies, by two years while adding an optional 3-year waiver. We did this because we heard that due to old computer systems, implementing automatic voter registration would take more time in some states. Yet we know from our own testimony at the hearing, that Michigan implemented automatic voter registration in just over a year and 15 states already have it in place. Nevertheless, to address these concerns, we gave additional years.

The manager's amendment gives states more time to adopt new voting systems while making sure voting is safe and secure by requiring voter-verifiable paper ballots by 2022. As I noted, 42 states already have this in place, and despite our urging, there are still eight states that do not have it in place. Given the hacking that we are seeing and the attempts at foreign interference in the past, this is dangerous. In these eight states, which are not all red states, or blue states, or purple states, that must change. This is in response to concerns that states' voting systems could be automatically decertified before new machines are available. This, too, was a concern we heard Secretary Warner discuss.

We also shortened both of the windows post-Election Day for accepting ballots and resolving signature discrepancies because we heard from election officials that having these processes go on for too long after Election Day could delay states from certifying the results. We tasked the Department of Homeland Security with developing a ballot tracking system that state and local governments can adopt because we heard that setting up their own systems could pose undue challenges. We also worked with the disability community to adopt language from a House-passed amendment to strengthen the existing Federal requirement for the number of accessible devices in polling locations to expand access to voting all across the country.

We have already discussed the American people's broad support for the provisions in this bill, and from what we are seeing happen in states across the country, it could not be more clear that our democracy needs the For the People Act; that defending our democracy requires officials elected to the highest legislative body of this country to step up and act. We all sit here today proud of our country, proud of the American democracy, democracy founded and left to us by our Founders, the democracy many have sacrificed their very lives to save and bled to protect, the democracy that compels us now to act to preserve it. I am asking my colleagues today to vote for the manager's amendment to make this bill better. I hope you will join me in supporting this on a bipartisan basis.

Are there any other members who wish to speak on the manager's amendment?

Senator WICKER. Madam Chair?

Chairwoman KLOBUCHAR. Yes, Senator Wicker?

Senator WICKER. Yes. I wish to speak against the substitute. I do—I do appreciate the decorum which is taking place in this room and which is part of our tradition, but that does not mask the vigorous opposition that we have on this side of the aisle to the original bill and to the substitute.

It comes down basically to this issue: this substitute is still a massive takeover of what the Constitution anticipates should be state decisions. Really what is wrong with variety when it comes to the way states run their elections? We have learned over and over in the—in the past few weeks that our President's home state has a much different view of absentee ballots, of various voting requirements, whether refreshments can be brought in the—in line to people who are waiting for long periods of time. I think the Constitution anticipates that states would make a decision about the best way to run elections in their jurisdictions. This—the real problem with the substitute is the real problem with the bill and the real problem that there was bipartisan opposition in the House of Representatives. It still is a massive takeover.

Here is what the substitute would still do. It still requires election officials to take on burdensome and expensive changes in their state election system. Even if states have adopted some of the reforms in this bill, they would still have to make changes in their systems to comply with S. 1. The chair's substitute still makes the Federal Election Commission a partisan tool for the President's party. This has been a 3–3 Commission, and if anything should be totally nonpartisan, it should be the Federal Election Commission, which has to resolve so many disputes there. The American people will lose confidence in a Federal Election Commission that has a 3–to–2 majority for the President's party.

The substitute still creates a system of public financing for Federal elections, and I—we can go through poll after poll that show that the American people are opposed to this. They are also opposed to making the FEC partisan. This substitute still removes the redistricting process from the hands of the people and would create a path to have all districts drawn by Federal courts. It is interesting that our friends on the Democratic side spent millions upon millions of dollars in the last election trying to retake legislatures so that they would have control over the redistricting of key states. Having failed at that, here comes this provision, which remains in the bill. This substitute chills free speech through cumbersome and misleading donor disclosures, which has the—which has earned the opposition not only of conservative groups, but also the ACLU, and so we have opposition to that provision from the right and left.

The distinguished Democratic leader goes back to the founding of our country and talks about the three-fifths rule. What does that have to do with the discussion today? No one in this Congress, House or Senate, on either side of the aisle, would propose that. Why talk about that? He talks about the fact that women could not vote earlier, and it took a constitutional amendment to change that. What in the world does that have to do with this deliberation today about whether the particulars of voter registration, and absentee voting, and ID requirements should be done at the state level? I note that the distinguished Democratic leader has a great admiration for the distinguished representative from the State of Wyoming, Representative Cheney. He waxes on about her judgment and her courage. I would point out to my Democratic colleagues that this newfound hero of Senator Schumer voted no on H.R. 1, and perhaps he should follow her logic and her judgment

on that since he has joined me in admiration of Representative Cheney.

This amendment should be defeated because it suggests that the process of a Federal takeover has been somewhat modified. For those reasons and many others, it should be opposed, and it should be modified through the very sensible amendments that a number of us will add later on. Thank you, ma'am.

Chairwoman KLOBUCHAR. Thank you, Senator Wicker. Senator Merkley?

Senator MERKLEY. Thank you, Madam Chairwoman. Thank you for holding today's historic markup on this bill, For the People Act.

Lyndon Johnson called the vote "the most powerful instrument ever devised for breaking down injustice," and it was Carrie Chapman Catt, founder of the League of Women Voters, who said, "Everybody counts in applying democracy. There will never be a true democracy until every responsible and law-abiding adult in it, without regard to race, sex, color, or creed has his or her own inalienable and unpurchasable voice in government." That is why from our imperfect beginnings, the story of America has been a story of striving, generation after generation, to live up to the ideals of our "We the People" Nation in which every citizen has, through their vote, an inalienable voice in our government.

The Fourteenth and Fifteenth Amendments, along with the 1965 Voting Rights Act, secured that right for black and minority Americans. The Nineteenth Amendment secured that right for women. Whether it was National Election Day being put into law by Congress and a signature by the President back in 1845, or passing the Help America Vote Act in 2002 to require states to upgrade numerous aspects of their election procedures, Congress has repeatedly played an important role in ensuring every American's right to vote. Today in this markup we will do so once more by working to ensure that every eligible American is registered to vote, that the road is smooth, and the obstacles and barriers are struck down for individuals to cast a ballot come election time.

The For the People Act is a culmination of years of careful work, countless studies, expert recommendations on the needs—the issues that need to be addressed to ensure every American has access to the ballot box. Many of the provisions have already been adopted in blue states, in red states, in purple states alike, and they are broadly popular with the majority of Americans, both Democrats and Republicans. A supermajority of Americans support 2 weeks of early in-person voting before Election Day. A supermajority of Americans strengthen—support strengthened opportunities to vote by mail. A supermajority support curbing unlimited corporate money in campaigns. A supermajority support automatic voter registration and same-day voting registration. This broad support is there because Americans believe in the freedom of every American to cast a ballot, and they object to targeting groups of Americans with schemes and shenanigans designed to blockade the ballot box.

I am passionate in support of this legislation because I believe in the founding vision of our "We the People" republic. The legitimacy of our government comes from the citizens up, not from the powerful and privileged down, not from those who seek to block

groups of Americans from voting. You know, seeking to block groups of Americans from voting, it is a crime against the freedom of Americans. It is a crime against the rights of Americans. It is an assault on the founding vision of our “We the People” Constitution. To thwart such schemes, such plots, we need national election protection standards, standards that protect the freedom of every American, the right of every American to fully participate in our guiding our Nation.

My colleague from Mississippi says what is wrong with a variety in state elections. When that variety involves targeting communities to prevent them from voting to bias the outcome of the election, then that is wrong. It is an assault on “We the People” governance. Perhaps we will say, well, that would never happen. It happens on Election Day in state after state after state, where the number of precinct voting locations is modified in communities you do not want to vote, where the number of staff is reduced so there will be long lines, where information is put out to mislead voters about where those voting locations are, or even information put out to mislead voters saying, hey, sorry you missed the election, the election was last week. There is an antidote to these types of efforts to cheat Americans, targeted groups of Americans, and it is the items that have been identified in this bill, things like early voting and vote by mail, to protect against the theft of the right to vote that we see time and time again.

You know, we all came together in this Nation in 1965 to say we now stand united—united—in defending every American’s right to vote. Well, here we are half a century later. What has happened to this esteemed body that now the effort to target Americans and prevent them from voting, to cheat Americans of equal representation through gerrymandering, to allow billionaires and corporations to spend billions of dollars buying elections, is now okay? It is not okay. This bill sets national election protection standards, restoring equal representation by striking down redistricting schemes, known as gerrymandering, to unfairly empower one party over another. It shines a light on dark money, prevent billionaires from buying elections. It defends the right and freedom of every American to cast a ballot. It imposes ethical standards to make sure our leaders serve the people, not private interests.

As we set these national election protection standards, we need to make sure that they are designed so that election officials across our Nation can implement them in a thoughtful and efficient manner. The best way to achieve that is to talk to election officials across the country of both parties, from rural areas, from urban areas, listen carefully. They have given us their feedback, and their feedback is the foundation for this manager’s amendment. They are saying here is what can be done to make this work effectively. Here is what has been done in others—other locations that we can apply in these national voter protection standards. The result is modifications that improve clarity, that expand flexibility, that pave the road for efficient implementation of election protection standards by states across the Nation.

Today is an important day here in the United States Senate and here in this committee. Now, we have taken an oath to defend the Constitution. It is our responsibility to restore the integrity of elec-

tions that are the foundation of our constitutional system. It is our responsibility to stop attacks on equal representation through gerrymandering. It is our responsibility to stop billionaires from buying elections. It is our responsibility to defend the freedom and right of every American to vote. Let us get to work and achieve those goals.

Chairwoman KLOBUCHAR. Thank you. Other members wishing to speak on the amendment? Senator Blunt?

Senator BLUNT. Chairwoman, it seems to me that the amendment in nature of a substitute is not much of a substitute. Instead of a 818-page bill, we now have before us in this substitute a 886-page amendment. Those 86 pages really do not do much to change the basic premise of the bill that concerns me. Some of the changes in the amendment reflect the real concerns election officials have about the bill. It clearly had unreasonable and unworkable deadlines, but giving states more time to implement bad policy does not make the policy less bad. I think this is the wrong direction to head. I do not think there is a right way to do a wrong thing, and I think the Federal Government taking over elections is the wrong thing to do.

Regrettably, the substitute keeps all the troubling aspects of S. 1 and fails to recognize the successful approach that states have taken to address the needs that are unique to their states and, even more importantly, to the communities within that state. Campaigns would still be eligible to receive Federal funds. Ballot harvesting would be forced on the states. The substitute amendment, underlying bill, does not make the bill less bad just because it makes some of the deadlines in the bill more workable, and I would urge my colleagues to oppose the amendment in the form of a substitute.

Senator WARNER. Madam Chairwoman?

Chairwoman KLOBUCHAR. Oh, Senator Warner?

Senator WARNER. Madam Chairwoman, I just want to—I have great, great respect for my friend, the Ranking Member. You know, I—candidly, this is a big bill. It has got a lot of component parts. I think the manager's amendment is a dramatic step in the right direction to reflect some of the concerns of rural communities. I have got those in Virginia. I know you have got them in Minnesota. I think it has been worked through because it is such a big bill, some of the concerns. I have still got some additional concerns, but I think that is part of the process, why we need to get through this markup.

You know, hopefully, again, some of my colleagues on the other side, as this bill moves forward, which I hope and believe it will, that we can find some common ground on some of these areas that might, again, need further refinement. I am not sure there would be the same kind of impetus, and I give the Chairwoman and Senator Merkley a great deal of credit for advocating so strongly for this issue. I am not sure there would be this same impetus to move this major piece—and I agree with my friend, Senator Blunt, this is giving the Federal Government much more responsibility. But when we see actions like we have seen in the State of Georgia, the State of Florida, the State of Texas, and others, to, I think, dra-

matically restrict the rights of Americans to vote, it is time and appropriate for the Federal Government to step in.

I, again, support the manager's amendment, and hopefully, as we move through this markup, we can find other areas to even move further, since this is such a major piece of legislation, on further refinement. I appreciate the good work and look forward to this markup where I will have a couple of amendments, if we are not successful, that we will try to put back in some of these corrections that I hope my colleagues will join me on.

Chairwoman KLOBUCHAR. Excellent. Senator Cruz and then Senator King.

Senator CRUZ. Madam Chairwoman, this legislation, I believe, is the most radical legislation the Senate has considered in the 9 years I have been here, and it is the most dangerous legislation pending before the United States Congress. You know, I listened to the speeches this morning. I listened to Senator Schumer's speech where he recounted this country's shameful history of Jim Crow laws, and he is right. Jim Crow laws were bigoted, racist, and disenfranchised millions of people. It is worth remembering that those Jim Crow laws were drafted by Democrats, they were implemented by Democrats, and they kept Democrats in power.

Now today's talking point repeated in the media is that was the Democrats of yesterday, not today. Well, today the Democrats are doing it again. This legislation, to use a phrase that has been popularized on the media recently, is Jim Crow 2.0. This legislation would disenfranchise millions of Americans. Many of us are referring to this legislation as the corrupt politicians act because it would do—Senator Schumer talked about politicians picking their constituents. That is what this legislation does. This legislation is designed to ensure that Democrats never lose another election.

This legislation would register millions of illegal aliens to vote. It is intended to do that. It is intended to do that because Democrats have made the decision that millions of illegal aliens voting are likely to vote for Democrats. This would register vast numbers of criminals and felons to vote because Democrats have made the decisions that criminals and felons are likely to vote for Democrats. This legislation strikes down virtually every voter integrity law adopted at the state level. Voter ID laws, over 70 percent of Americans support voter ID laws. By the way, over 60 percent of African Americans in this country support voter ID laws. Twenty-nine states have voter ID laws on the books. What does this legislation do? Strikes them all down, says it is illegal for any state to have a voter ID law. Ballot harvesting. Thirty-one states prohibit ballot harvesting. Why? Because it is a corrupt practice where paid operatives handle the ballots of someone else, and it has repeatedly led to instances of stealing votes. What does this bill do? It strikes down all 31 states' restrictions on ballot harvesting.

This bill turns the Federal Election Commission from a bipartisan agency into a partisan agency, into a partisan agency controlled by Democrats. Why? Because Democrats want Chuck Schumer in charge of the Federal Election Commission. The effect of that, I will point out, will be that every Republican senator and every Republican House member will be investigated, will be fined, will be prosecuted by the Federal Election Commission. By the

way, if this bill were to pass and, miraculously, Democrats were to lose power, and this is designed to make it impossible for Democrats to lose power, I ask you for a moment, which Democrat on this committee would want a Federal Election Committee controlled by Senator McConnell? Because I guarantee you, every Democrat would then be investigated and prosecuted, and the Federal Election Commission should not be a partisan weapon designed to win elections.

This legislation is profoundly dangerous, and the reason it suppresses millions of votes is by allowing millions of people to vote illegally, and that is the intended effect and that would be the actual effect of this bill. It dilutes the legal votes of American citizens. Senator Schumer said, and I wrote this down, "the stench of oppression," when the Democrats drafted Jim Crow the last time. Well, the stench of oppression is here again. Senator Schumer said, "The eyes of history are on you." The eyes of history are on you as well.

Let me point out something. It was just a few years ago that Republicans had control of the White House, the Senate, and the House. We did not do this. We did not try to change the election rules so that Democrats could never be elected. We did not engage in the corruption to say we are going to rig the game so if the voters decide to throw the bums out, the voters do not get the right to do that because we are going to put our thumb on the scale so that only our party wins. To my knowledge, not a single Republican suggested doing that. This bill does not protect voting rights. It steals voting rights from the American people.

In the course of this markup, I expect that we are going to consider a number of amendments. I have introduced 46 amendments focused on substantive elements of this bill, and we are going to discuss each aspect of this bill and how they disenfranchise the American voters. But, sadly, I expect to see a lot of play-acting, all Democrats voting against those amendments, all Republicans voting for them because this bill is not designed to be bipartisan. This bill was drafted to get zero Republican votes. It got zero Republican votes in the House, and it was drafted to get zero Republican votes in the Senate. Why? Because it is not about protecting anyone's rights. It is about ensuring one party's dominance at the expense of the voting rights of the American people.

By the way, the history of the Thirteenth, Fourteenth, and Fifteenth Amendments, landmark victories for voting rights in this country, it was the Republican Party that led the fight to pass those amendments. We should be protecting everyone's right, and facilitating fraud and registering people to vote illegally undermines the integrity of democracy, and as Senator Schumer observed, the eyes of history are on all of us.

Chairwoman KLOBUCHAR. Senator King?

Senator KING. Thank you. I approach this a little differently, first, from the perspective of a former Governor. I have to say that I once talked to the Republican leader about being a former Governor, and he gave me one of the great lines that I have used ever since, which is, it was his observation that if you ask a former Governor who is now a senator which job they like better, if they say "senator," you know they will lie to you about other things.

[Laughter.]

Senator KING. I have never forgotten that, Senator McConnell, but I approach it as a former Governor. I recall in the late 90's, having a good-natured competition with my good friend, Jesse Ventura, who was my colleague and fellow independent Governor of Minnesota. The competition was about which state would have the highest turnout in the election, and I think in 2000 we actually had a bet. I cannot remember what the stakes were, but the idea was, was it going to be Minnesota or Maine. I thought at the time the whole idea of this thing was to have the most people voting. That was the goal. That was—that was what we were all trying to do. I mean, I just thought that was the purpose of what we were doing.

As I recall, in the year 2000, Minnesota beat us out by a point or two.

Chairwoman KLOBUCHAR. That is correct.

Senator KING. Yes, thank you. I figured you would know that. But let me just share a little experience in Maine. We have no voter ID law. We have same-day registration, and the history of same-day registration is kind of interesting because in—about 10 years ago, the legislature and the Governor repealed same-day registration. We have a provision in Maine law called The People's Veto where if you collect a requisite number of signatures, the people get to vote on the legislation, and the people of Maine overwhelmingly restored same-day registration. During the period of—between the passage of that legislation and the repeal, there was a serious effort on behalf of the proponents of repealing same-day registration to find evidence of fraud in Maine elections. They could not find any. They found one or two cases in the 70's, but there was virtually nothing found. In Maine we have no voter ID law. We have same-day registration. We have no excuse absentee voting. We have mail-in voting. We have early voting. We have 24/7 drop boxes and no fraud.

Now, I love the State of Maine. I have a great deal of respect for the people of the State of Maine. But I am not sure we are more honest than your states, than other states, that seem to feel they have to have those things in order to protect against something which rarely, if ever, happens.

By the way, the Constitution makes clear in Article I, Section 4, that, yes, elections for senators and Congress are left to the states, but I want to be sure I get this right: "The times, places, and manner of elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators." I do not think we are discussing in this bill the places of choosing senators, so it is clear that there is a constitutional basis for us to work in the area of voting rights.

I think of this, again, as a former Governor and a person who even believes in the Tenth Amendment and states' rights, I do not want the Federal Government taking over our elections and prescribing every jot and tittle of the law of the State of Maine, or Missouri, or Minnesota, or Texas, but I do think there is a place for the Federal Government to establish a floor. To me, it is analogous to environmental law. We have a floor in this country that is established in terms of environmental law, but the states are free

to make many rules and regulations and changes in the law of environmental regulation on their own, but not go below the floor that is established in Federal law.

To me, this is the same thing. This is not a detailed takeover a Federal—of elections, but it is—it does establish a floor. It does say you cannot do things that are designed to make it harder to vote in your state, and it seems to me that is really what this is all about. I do not see this as a partisan issue. I see it as making it easier for people to vote, and those people are going to vote for who they choose, and sometimes it is going to be Republicans and sometimes it is Democrats, and, in my case, sometimes it is going to be neither. But that is really what this is all about.

Then a final note about gerrymandering. I believe that gerrymandering from both sides is dangerous to our ability to govern this country because what happens in a gerrymandered district, whether it is gerrymandered to favor the Democrats or gerrymandered to favor the Republicans, is that the primary becomes the election. The primary determines who the—who the Congressman will be. That means who votes in the primary? Activists, the more activist members of the party. Primaries notoriously have a low turnout.

What I have observed in the last, say, 10 years is what I think is one of the most dangerous developments in American public life. It is very rarely commented on. In fact, I have not seen any published comment on it. But you can now lose your primary not because of your position on abortion, or immigration, or any other issue. You can lose your primary if you are viewed as a person who is willing to listen to the other side and try to solve problems. To be a person willing to compromise is a capital offense on either side of a gerrymandered congressional district. The result of that is Members of Congress who come here absolutely hellbent to not be seen as someone who is a problem solver, to not be seen as someone who would compromise and talk to the other side.

If you all think about that, that makes it impossible for us to solve problems because no serious problem can be solved without compromise. The result of the—of the gerrymandering in the congressional districts is that we end up with representatives that are at one extreme or the other in terms of their party representation, and unable, as a practical matter, to come together to solve problems. I think that is a really serious problem, and neutral independent bodies to make decisions about redistricting, I think, would be healthy for the country, and I do not care which party. I think gerrymandering is a bipartisan problem. There are gerrymandered districts on both sides, and that just should not be the way it is—it is settled.

I think there are areas where this bill can be improved. I think there are areas that are worthy of discussion. I do not see it as intended to enfranchise any particular group of people. I think it is intended to enfranchise those American citizens who want to and should be entitled to vote without impediment.

Madam Chair, I appreciate the work that you have done on this amendment to try to ameliorate some of the issues, particularly issues involving the disabled community. I appreciate that. I look forward to considering the amendments today and hope that we

can come up with a bill that everyone can support as supporting the right of Americans to choose their leaders.

Chairwoman KLOBUCHAR. Thank you very much, Senator King. Senator Capito?

Senator CAPITO. Thank you, Madam Chair, and thank all of you today. I just have a few shorter comments to make about the amendment and the bill. I stand in full opposition to the bill and the amendment, consequently, because it does not actually change the spirit and, I think, the intent of the bill.

My friend, Senator King, just talked about how this is not meant to disenfranchise any voters. My Secretary of State, Mac Warner, who you have quoted, sat in this room and testified that West Virginia had created a pilot study to make sure that our military who were deployed overseas, to be able to allow them to e-vote, and we have been—really a lot of accolades to our state to create the e-voting system. Several hundreds of our military veterans—or active military have participated in that way. Our legislature, the state legislature, where, traditionally, laws about elections have been created and shaped through the years, expanded that right to people with disabilities, and you mentioned people with disabilities. People with disabilities in West Virginia now can join the pilot study and vote by e-voting.

This bill eliminates that. This bill eliminates the ability for those veterans who are deployed overseas and people with disabilities in my State of West Virginia, to participate in the e-voting pilot study and then expansion thereof in our state. Now, we are looking at ways to expand voting, and this bill is eliminating voting on veterans and people with disabilities, but also by using what we all know and have learned, if anything, during the pandemic is one of the most accessible ways to communicate, and that is through our internet abilities. That is a problem for me.

The other thing I think we ought to think about here is if we look at 2020, and the United States Census Bureau just came out with recently with the statistics as compared to 2016, we had a 67-percent voter turnout, the highest voter turnout since 1900 in this country. Seventeen million more people voted than voted in 2016. Seventy-three percent of all the voting-age folks who were registered to vote voted, which is 2 percent higher than 2016. The turnout in my state, I am sorry to say, was lower than the national, but it still was the highest since 1960. You will remember the 1960 Presidential campaign is where President John F. Kennedy claimed he won the election because he was nominated as the Democrat nominee, as the first Catholic, because West Virginians voted for him and they paid him back in the general election as well. He was very, very popular.

A lot of what we do around here, sometimes we say to ourselves, why are we fixing something? Why are we in search of a problem that does not really exist? If you look at these statistics, the highest turnout ever and historically. Why is that? Why is that? We were in the middle of pandemic when it was predicted that more people were going to have trouble voting than ever before because they were going to be afraid to go to the polling places. They were going to be afraid to go to the early voting places, and what happened? Our states reacted. Our states said, well—in the State of

West Virginia, for instance, our primary was moved back a month. That was the state's prerogative to do that, and the Governor did that, and it ended up we had a good turnout.

The states reacted to different ways to expand more drop boxes, to expand more voting by mail, to expand more and maybe fuller early voting, or more voting places. I think in Kentucky, they did the big vote in the big convention center for the—maybe it was the primary election, something they had never done before. The states know what works in their states, how to get more people to mail in their votes maybe or how to get more people to come to their voting center. They do not need us prescribing from here what is going to work from that—from there.

I think the flexibility that the states have that we have given them over the years led to this historic vote that we had in 2020, and what a great thing that is. I think by narrowing that scope and that focus, I think that we are at cross purposes of what supposedly is trying to be accomplished here, which is to get everybody and as many people as possible to vote.

Now, Senator Cruz, who sits over here next to me stole my line of the day, but I am going to repeat it because I think it is worthy. Another thing we say around here is, well, that just does not pass the straight face test. It is impossible for me, as Senator Cruz mentioned, to believe that if we had a vote before this committee with Senator Blunt and we suggested that the FEC should be politicized and a Republican should be in charge, that with a straight face you could say you would think that was a good idea. There is no way, and I think that is one of the most problematic parts of this bill.

On gerrymandering, I was thinking, and I was not going to bring this up, but Senator King mentioned it, I do not fear gerrymandering. I looked back at the statistics when my dad was in Congress in the 1960's. There were 258 Democrats, 176 Republicans. He was always forever in the minority. Forever, for the whole 12 years he was there, I would say, deep minority in that—in that time. What happened? Candidates change, philosophies change, parties change, states change, and eventually the representation in the United States Congress would change.

Is that not what we are sort of built on is the flexibility to go and meet the challenges of the day and to make those changes, change the face of our states politically? I think the states are the—are the place where we want to see this happen and not here, not here in this room where we are dictating. No, Secretary Warner, you cannot have your e-voting. Your veterans, your folks with disabilities cannot have the right to vote that has been accolated by every election commission in the country. No, we do not think that is a good idea. That is done. Oh, by the way, you have to buy all voting machines by 2026. That is easy since the ones we just did through the Help America—Help America Vote Act have just now been installed.

So, you know, let us look at what we are really, really trying to do here, and these are—these are the reasons I cannot support this, and so I am looking forward to the markup. I know we are going to have a lot of good amendments. I know it is probably going to get testy in here. But I really think, fundamentally, we are making changes that I think are narrowminded, are not for the future,

and, in the end, disenfranchise the—that great flexibility and wonderfully expansive brain trust we all have in our states to be able to make those changes as things change and times change, to be able to get the most people to the voting booths in the best time, and have the votes accurately counted. Thank you.

Chairwoman KLOBUCHAR. Thank you very much. I know we are looking at a vote coming up, and I did—I want to make one thing clear. The issue you raised on the military ballots, Senator Capito, I support the work you are trying to do here, and we actually struck that portion of the bill in the manager's amendment, so that will not interfere with the pilot program. But you also, I know, have an amendment on this that I will support to make that very clear, alright?

Senator Blunt, do we want to maybe go forward with the vote here before the—alright. Okay. Are there any other members wishing to speak? I know you have something, Senator—okay. Well then, we will let Senator Merkley go. We are now going to go—Senator Merkley has something he wants to say. I was trying to move it, but we will continue on.

Senator MERKLEY. Thank you, Madam Chair. I will be very, very brief. Previously when we had a hearing, we had the Secretary of State of Michigan here where they had implemented automatic voter registration, and our colleague from Texas argued then, as now, that there had been this massive strategy to change rules to allow those who are not eligible to vote—non-citizens to vote. I asked this Secretary of State, I said, so this—is this a problem in your state, and she said it was not. I asked how did she know, because they had had a lawsuit filed, and so they had had a thorough investigation. She noted that there were six checkpoints to make sure that only those who are eligible to vote got registered to vote. I asked, so in this investigation that occurred in the context of a lawsuit, what was the result. She said zero. Zero.

Now, Oregon has automatic voter registration. We were the first state in the Union to have it. We have vote by mail, and we do not have a challenge in which those who are not eligible to vote sign up to vote, and why is that? Well, one, people who are not eligible are terrified of interacting with the government. They are not just terrified because they might be evicted from the country. They are also terrified because it is a felony. I say to my colleague from Texas as I said then, this argument you are making, it is a false argument. The evidence is not there that this is a challenge, not a challenge created by vote by mail, not a challenge created by automatic voter registration. There has been investigation after investigation. It is simply not the case.

I realize that you are saying it because it has huge emotional impact. We are trying to let ineligible people vote. This is about enabling eligible Americans to vote, not have their communities targeted through Election Day strategies to diminish their ability to get to the polls through all the shenanigans that have occurred in election after election. We are fighting to defend the freedom of every American citizen to vote.

Chairwoman KLOBUCHAR. Thank you. Senator Fischer?

Senator FISCHER. Thank you, Madam Chairwoman. I agree with Senator Merkley. I think everyone in this room agrees with you.

We want to encourage people to vote. We want to make it easier for people to vote. We want to see good voter turnout. These elections all across this country, from local level to President of the United States, are important. It is important that we continue to advocate for people to get out and vote. I also agree with Senator Capito, with her comments, that states should be given the flexibility to have that understanding that we have for our states, and have laws that achieve those results.

My biggest problem with this bill is giving the Federal Government control over elections. You know, I have said it before, who in their right mind would support that? I cannot. It was—it was about 20 years ago when we had the Help America Vote Act, and in that act that was passed by Congress, it required that first-time voters show identification. My State of Nebraska followed that. We have voter ID requirements for the first time you go to vote. That makes sense. A few years later in 2005, we saw a commission—a bipartisan commission with Secretary of State Baker and former President Jimmy Carter, who came out and had a part of—part of their recommendations were that they endorsed a photo identification requirement. We have many states who now have that as part of their voter laws.

When I was in the Nebraska legislature, the first bill that I got passed dealt with voting. It was in 2005, and it was to allow mail-in voting for the first time in Nebraska, that certain precincts would be able to do that, and it was because of a sparsity factor. I happen to live in a very remote area in the State of Nebraska with less than one person per square mile, and that was one of the seven areas where we wanted to make sure that people would have access to voting. But there was also another reason for it which dealt with the cost that we saw under the Help America Vote Act, the requirements that were there for precincts, any precinct, to have certain voting machines, to have the storage for those machines which would add extra cost, and it just was not feasible for a 6,000-square-mile county like mine to be able to maintain all those precincts at a cost that would be involved there.

Well, that was the beginning then of early voting taking place in Nebraska, and now we have that. It is no excuse voting. You do not—you do not need to have a reason that you are going to be absent, for example, on Election Day. It is just available, and that was a decision made in Nebraska through the experiences that we have in our state, so we have that early voting now 27 days out. It is in response to requests by constituents. It is not the Federal Government coming in and telling us that we should have, like Oregon, all mail-in voting. It is not the Federal Government coming in and saying that we should have, like Mississippi, some of their requirements that they have. These are state decisions, and they are based on experiences that we have in our states.

In Nebraska, voting rights are restored to convicted felons after two years. That was a decision made through a long process in our state legislature on what we felt worked best in our state through our experiences, and we used that flexibility to make those decisions. In Nebraska, you can have a—your county be able to pull records from a different county when a voter moves, be able to re-register that person in a new county. So you—so you have a record

of where that person is now and where their voting precinct is. All of these things take into consideration what each and every state has that works best, that meets their uniqueness that they have.

To take that away and to add more burden makes no sense to me. To put in, as we see in this bill, a number of deadlines that, again, we all know cannot be reached, to have that in this bill makes no sense to me. To change a bipartisan Federal Election Commission into a purely political machine makes no sense to me. Let us not throw all this motion out there saying one side or the other is trying to limit who can vote because we do not like a certain segment of the population. That is ridiculous, and the people of this country know that that is not true. Everyone in this room wants to make sure that every American has the right to vote. Thank you.

Chairwoman KLOBUCHAR. Thank you. Can we move to the amendment?

Senator HAGERTY. Madam Chairwoman, may I have a moment?

Chairwoman KLOBUCHAR. Okay. I think Senator Ossoff is first.

Senator OSSOFF. Thank you, Madam Chair, and thank you as well to the Ranking Member for your hospitality today, and I will just be very brief and observe a couple of things, the first of which is the question was asked who in their right mind would invest in Congress the authority to make policy with respect to the administration of Federal elections. Respectfully, the answer is the framers who wrote our Constitution, who wrote that with respect to elections for senators and representatives, "The Congress may at any time by law make or alter such regulation."

I want to thank Senator Capito for her remarks and for the spirit of the amendment that you are offering with respect to the pilot program in West Virginia, and, indeed, I am likely to support that amendment. I know that the chair has also incorporated a similar provision in the manager's amendment. I hope that that can be of a spirit of our discussion today, a good faith give and take on how to execute our existing constitutional authority responsibly and thoughtfully while acknowledging that we as Congress do have the power and the obligation to establish guardrails, such as those which already exist, for example, for the handling of military ballots by mail, which impose certain conditions and responsibilities on states with respect to the handling of those mail ballots.

Finally, if I might, just to step back and assess candidly what is going on here. We just had, as Senator Capito observed, the highest turnout election in United States history, and I agree with Senator Capito that it was the resourcefulness, and resolve, and determination of election administration authorities in all of our states, election officials from both parties, including in the State of Georgia, who expanded access to the ballot despite withering criticism, who were then defamed by the former President in the aftermath of that election for the good faith efforts they made to secure ballot access for all, and in the aftermath of that election. So much political pressure built up from the statements repeatedly made by the former President that now a number of states are enacting legislation that makes voting more arduous, including in my State of Georgia.

I have heard some of my colleagues today reflect upon whether public policy can at times be a solution in search of a problem. Well, that is precisely what many of these laws being enacted at the state level are, making it more arduous for eligible American citizens to vote, not because there is a shred of credible evidence that these new laws are necessary because there is not, because none has been presented, because court after court after court rejected the spurious allegation that there was any widespread fraud in this Presidential election. No, these laws that make it more arduous to vote are being enacted for two reasons: in part because, though it is a false allegation, it took hold in parts of this country that there must have been something amiss in November, and in part because politicians see a moment like this as an opportunity to try to shift the scales in favor of their party. That is what we are seeing in my home State of Georgia.

It is our obligation as Federal legislators to safeguard the bedrock of our democracy, which is the sacred right to vote. It is clearly established in the Constitution that we have the authority to do so. This legislation leaves substantial flexibility for states to make decisions based upon what is based—best for states. In the spirit of the amendment that you offer, Senator Capito, which, again, I am likely to support, I hope that we can base our debate here today on a good faith effort to improve this bill, recognizing we have the authority and the obligation to pass legislation that protects voting rights rather than engage in theatrics and hyperbole, which distract us from our task of making good policy. I yield.

Chairwoman KLOBUCHAR. Thank you. Senator Hagerty?

Senator HAGERTY. Thank you, Madam Chair, and, Ranking Member Blunt, thank you, and thank you for your comment, Senator Ossoff because I do not think this is a solution in search of a problem. I think this is a power grab in search of a crisis. What is happening here right now is we are manufacturing a crisis to resurrect components of a Democrat wish list for Federalizing elections in the United States. This should not be called the “For the People Act.” This should be called the for the politicians act. What this is is an effort to rewrite election laws in all 50 states of the Nation, and Democrats are using a 50–50 Senate and House of Representatives that has the thinnest majority to come in and rewrite our election laws in a way that will forever damage our constitutional system.

Let me tell you what this does. This calls for ballot harvesting by paid poll workers. No voter ID required. This increases the chances for fraud. It increases the chances for a lack of confidence in the system that we are suffering right now. It weaponizes the FEC. It will turn it into a Democrat-controlled entity that can be used to erase the opposition forever. This also takes Federal funding, taxpayer dollars, and utilizes those funds to pay for elections of politicians. Politicians can even pay themselves a salary from taxpayer funds. Indeed, this is not for the people. This is for the politicians. It is an abject power grab, and I think that we should reject this in its entirety. Thank you.

Chairwoman KLOBUCHAR. Okay. Are there other members wishing to speak on the amendment?

[No response.]

Chairwoman KLOBUCHAR. Okay. We will now proceed to the vote. The question is on the adoption of the substitute amendment, and the clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Warner?

Senator WARNER. Aye.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator King?

Senator KING. Aye.

The Clerk. Senator Merkley?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. Aye.

The Clerk. Senator Blunt?

Senator BLUNT. Votes no.

The Clerk. Senator McConnell?

Senator MCCONNELL. No.

The Clerk. Senator Shelby?

Senator SHELBY. No.

The Clerk. Senator Cruz?

Senator CRUZ. No.

The Clerk. Senator Capito?

Senator CAPITO. No.

The Clerk. Senator Wicker?

Senator WICKER. No.

The Clerk. Senator Fischer?

Senator FISCHER. No.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Nay.

The Clerk. Senator Hagerty?

Senator HAGERTY. Nay.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. Aye.

The Clerk. 9 ayes; 9 noes

Chairwoman KLOBUCHAR. On this vote, the ayes are 9; the nays are 9. The amendment is not agreed to.

I really hope that our colleagues will take the spirit of this discussion, and there are some amendments that have been filed that we are looking at carefully for supporting. I mentioned one of them, and I hope that you will do the same as we break the manager's package down with other ideas that actually are ideas that we heard in this hearing room from witnesses because the stakes are really high here, and we want this to work.

Are there any further amendments to the bill?

Senator BLUNT. I have an amendment, Senator.

Chairwoman KLOBUCHAR. Go ahead.

Senator BLUNT. The amendment, Blunt 1.

Senator WICKER. Madam Chair, should we just go vote——

Chairwoman KLOBUCHAR. Yes, and I should have—Senator Merkley has come back. He is going to take over for me when I go vote, so people should just go vote when they want and we can tradeoff. If we do not have six people here, we will figure out a way to handle the votes. We could—we could discuss two amendments and then vote, but I would assume we can all get back here and get six. Go ahead, Senator Blunt.

Senator BLUNT. Thank you, Chairwoman. This amendment strikes Section 5111, the eligibility requirements for benefits of the fair elections financing of Senate election campaigns. This amendment strikes the provision that creates public financing for campaigns for the United States Senate. Specifically, the program creates a 6-to-1 government match to any small donor contributions of \$200 or less in a congressional campaign, meaning for every \$200, the Federal Government will match \$1,200. Supporters of this go out of their way to argue that the funds that will be spent are not taxpayer dollars. They are funds that have—come from assessments placed on top of fines and penalties paid by corporations and tax cheats, so taxpayers should not worry about the tax dollars going to candidates. While I understand why you want to say that, it is clear that all funds that flow through the United States Treasury are public funds. They belong to the American people. These would be funds that belong to the American people going to politicians.

Under this amendment, every—under this portion of the bill, every Senator that sits on this committee would be eligible for up to \$80 million for their Senate campaigns. Every incumbent senator would, over 6 years, be able to collect a total of \$1.8 billion. That is not to mention their opponents, who also would be eligible for these funds. I think this is one of the things that the American people would be most opposed to in this bill. The House has similar language for the 435 House seats. I think there is a better way to use this money, and virtually everybody that I work for in the State of Missouri would think there is a better way to use this money. This serves only the—to put money in the pockets of political campaigns. I think it is a big mistake. I would urge my colleagues to join me in striking this provision of the bill.

Chairwoman KLOBUCHAR. I will reply. The small donor reforms of S. 1 are about advancing the public interest, not special interest. Right now we have gone at these big donors, wealthy special interests fund campaigns, and even if not funding everyone's campaign directly, they are funding big Super PACs and dark money groups. That is part of why we also have the Disclose Act in this bill to get at that, but this particular program gives power to everyday Americans. We have this in my state. It works well. A small donor matching program would amplify the voices of almost 99 percent of Americans, 99 percent of Americans who made campaign contributions who gave less than \$200 in the 2020 cycle.

As we note, it is voluntary. If people want to pay for their campaigns with big money donors instead, I guess that is what they will do, but this is a voluntary way to fund campaigns. Similar systems, as I note, exist across the country. The program also includes a strict cap on total amount. The false suggestion all candidates would automatically receive the maximum amount is either an in-

tentional misrepresentation or indication that people have not really looked at this very carefully.

The For the People Act does not contain any provision that would fund candidates with taxpayer dollars. In fact, S. 1 includes a provision stating explicitly that no taxpayer money should be used to fund campaigns. The payments for the small donor matching system would come from the Freedom From Influence Fund, which is entirely funded by a surcharge on those who break the law—corporations and wealthy tax cheats. The substitute amendment adds the surcharge language to the Senate bill to ensure that corporate lawbreakers, and non taxpayers, pay for the donor matching program. The nonpartisan Congressional Budget Office has said this program will not cost the taxpayer a single penny.

Senator Cruz, or did you want to—Senator Blunt? No? Senator Cruz.

Senator CRUZ. Madam Chairwoman, I strongly support Senator Blunt's amendment. You know, as the American people think of needy populations in need of assistance, I have yet to encounter a single constituent in Texas or in any of our states that considers politicians anywhere near the top of the list. This bill, in addition to being the corrupt politicians act, is also the welfare for politicians act, because this bill creates a matching program for politicians, not just an even matching program, a 6-to-1 matching program of Federal funds flooding into Federal elections because the Democratic majority, by the way, the narrowest majority possible in a 50-50 Senate, has deemed that billions of dollars of Federal funds need to flow into funding their campaigns.

How would this operate in effect? Well, I looked at the quarterly reports from each of the members of this committee, and what it would mean in practice, the Chairwoman, Senator Klobuchar, would have received \$6.9 million in Federal funds for last quarter. Senator Feinstein would have received \$906. Senator Schumer would have received slightly over a million dollars. Senator Warner would have received \$143,000. Senator Leahy would have received \$306,000. Senator King would have received \$756. Senator Merkley would have received just over \$1.1 million. Senator Padilla would have received \$482,000, and Senator Ossoff would have received \$11,400,000.

Now, one can understand why Senator Ossoff would support something that would give his campaign \$11,400,000, but I would note that I would receive under your bill \$24 million. Last quarter my campaign raised, in total, \$5.3 million that came from over 127,000 donations. Ninety-eight percent of those donations were under \$100. The average donation was \$41. I ask my Democratic colleagues, why on earth do you want to give my campaign \$24 million? I do not want \$24 million of Federal funds to fund my campaign. By the way, this bill would give my campaign up to \$56 million. The \$24 is just the max for the primary.

Your constituents in every one of your states, I would venture, do not want to give your campaigns or my campaign millions of dollars of Federal money. We do not need welfare for politicians, and I urge you to support Senator Blunt's amendment.

Chairwoman KLOBUCHAR. Thank you, Senator Cruz. I do want to clarify, first of all, the money is about campaigns, not going directly

to people, and you would never have to take the money if you did not want to. It is a voluntary program for your campaign. Senator Merkley, do you want to respond?

Senator MERKLEY. Thank you very much, Madam Chair. One of the things that Americans are most concerned about, and we see this in poll after poll after poll, is the fact that our campaign system is set up to favor massively wealthy donors and corporate donations, both in regular channels and in third-party campaigns. The idea of someone saying, hey, I am going to forego having this inordinate influence by corporate interests, this inordinate influence by the wealthiest and most powerful, I am going to turn to the people to fund my campaign, and those matching funds come from corporate malfeasance. People know that there is a lot of corporate malfeasance in this country.

It seems like it is two positives: take and amplify the voice of ordinary Americans, ordinary Americans who contribute to campaigns on both sides of the aisle, instead of having a—the equivalent by the most powerful and wealthy individuals in our country having a stadium sound system seeking to drown out the voice of ordinary Americans.

Chairwoman KLOBUCHAR. Senator Hagerty? I will note that if we want to vote—I know Senator King wants to say something—we could—we have six here, and when you two are done, we could vote, but go ahead.

Senator HAGERTY. Madam Chair, thank you. I just want to echo my support for Senator Blunt's amendment. I concur with Senator Cruz. I do not believe people in Tennessee, as much as we love you, Senator Cruz, want to be funding any campaigns outside of our state. My constituents have made that loud and clear to me. This is something that we should think of, the fact that we are operating at a deficit capacity right now as a Nation, and we should not be wasting Federal dollars on politicians to enrich them in this way. Thank you very much.

Chairwoman KLOBUCHAR. Senator King?

Senator KING. I have a question of, I guess, Senator Cruz. Senator Blunt has gone to vote. I do not like negotiating with myself, and my question is, if this amendment and others that you suggest are accepted, will you vote for the bill? Do you see what I am saying?

Senator CRUZ. I do. To be candid, it is difficult to imagine a set of amendments being adopted that would cause me to vote for this bill. It would take a fundamentally different bill. That being said, each of these amendments are designed to strike out egregious aspects of this bill. If some of these amendments were adopted, it might conceivably convince some Republicans to support it if it ceased being a partisan power grab. As long as it remains a partisan power grab, you are not going to see Republicans voting in favor of a partisan power grab.

These amendments are good faith amendments in the sense that they are striking out particularly problematic and egregious components of the bill, but in order to actually have bipartisan legislation, I would think you would need to go back to the drawing board and actually sit down with Republicans and focus on ways to expand voter participation and protect the integrity of the election.

That was not the objective of this bill. I would note that the talking points for this bill are now all focused on what President Trump said about the last election, but this bill was drafted in 2017 after President Trump had won. It had nothing to do with what Donald Trump said about this election, which is part of why it is, as written, such a direct partisan power grab.

Senator KING. Thank you. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Okay. We have six people present, so we can proceed to the vote.

The question is on the adoption of Senator Blunt's amendment.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator HAGERTY. No by proxy. Sorry. Aye by proxy. Sorry.

Chairwoman KLOBUCHAR. That was welcomed. Thank you.

[Laughter.]

Chairwoman KLOBUCHAR. Fine. I heard the right one.

The Clerk. Senator McConnell?

Senator HAGERTY. Aye by proxy.

The Clerk. Senator Shelby?

Senator HAGERTY. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator HAGERTY. Aye by proxy.

The Clerk. Senator Wicker?

Senator HAGERTY. Aye by proxy.

The Clerk. Senator Fischer?

Senator HAGERTY. Aye by proxy.

The Clerk. Senator Hyde-Smith?

Senator HAGERTY. Aye by proxy.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. On this vote, the ayes are 9; the nays are 9. The amendment is not agreed to.

Another amendment? Senator Merkley?

Senator MERKLEY. Thank you, Madam Chair. I call up Merkley Number 3. In the basic underlying bill, there is a requirement for 15 consecutive days of early voting, 10 hours of voting per day. As we talked to election officials around the country, they said, you know, there are circumstances where that is definitely overkill. One is in rural counties that have very small populations, and we may have another amendment about that, and another is in the situation for states that are full vote-by-mail states, who send out a vote by mail ballot to every citizen. In both cases, we have modified in these amendments the way to address this, and my amendment specifically is about those vote-by-mail jurisdictions.

What it says is that during those 15 days, you only have to have a—early voting during the hours that the jurisdiction or the election office in that jurisdiction is already open and, in addition, still have to have a consecutive Saturday and Sunday, so one weekend. It significantly reduces the burden on offices in vote-by-mail states. I think this is a type of rational adjustment based on feedback from local election officials that both sides of the aisle have expressed interest in.

Chairwoman KLOBUCHAR. Very good. I am supportive of this amendment. It extends early voting to all states, setting important standards of at least 15 days of early voting, at least 10 hours per day, allowing individuals greater flexibility to vote outside of Election Day. Early voting has proven popular across the country with 43 states already having it in place. With that, Senator Merkley, you will be taking over while I go and vote, and so you can continue to talk on your amendment, or we can have a pause until the other members return from their votes.

Senator MERKLEY. Madam Chair, it does not look like we have the minimum number to continue a discussion, so I would recommend a pause.

Chairwoman KLOBUCHAR. Exactly. Alright. Thank you. Senator Merkley, if we do get the six, you should just continue on when I am gone. Thank you.

[Recess.]

Senator MERKLEY. [Presiding.] Thank you, everyone. I call this committee back to order, and appreciate we now have the six members-plus that we had for continuing discussion.

As we took a pause to be able to vote, we were addressing Merkley Amendment Number 3, and since many were not in the room, I will just repeat the basic outlines of that amendment, which has been distributed to each member. In the basic bill, early voting is prescribed for 15 days, for 10 hours per day and 15 consecutive days. The feedback we had from local election officials were the circumstances under which this is overly prescriptive, specifically with very small election jurisdictions of less than 3,000, and particularly in rural areas and in jurisdictions where there is full vote by mail where already a ballot is mailed to every individual. Taking that feedback into account, this amendment, which addresses the second half of that, that is, vote-by-mail jurisdictions, says that in that case where everyone is already mailed a ballot, then vote by mail will be—early voting will be reduced to just the hours that the election office in that specific jurisdiction is nor-

mally open, plus one weekend of a consecutive Saturday and Sunday.

This is the type of amendment that embodies the desire expressed on both sides of the aisle to take into account local feedback. I would encourage folks to support it, and we will open the floor to whoever would like to comment.

[No response.]

Senator MERKLEY. If there are no comments, then we will go to a vote, and we will ask the clerk to call the roll.

The Clerk. Senator Feinstein?

Senator MERKLEY. Aye by proxy.

The Clerk. Senator Schumer?

Senator MERKLEY. Aye by proxy.

The Clerk. Senator Warner?

Senator MERKLEY. Aye by proxy.

The Clerk. Senator Leahy?

Senator MERKLEY. Aye by proxy.

The Clerk. Senator King?

Senator KING. Aye.

The Clerk. Senator Merkley?

Senator MERKLEY. Aye.

The Clerk. Senator Padilla?

The Chairwoman.

[Presiding.] Aye by proxy.

The Clerk. Senator Ossoff?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Blunt?

Senator BLUNT. No.

The Clerk. Senator McConnell?

Senator McCONNELL. No.

The Clerk. Senator Shelby?

Senator SHELBY. No.

The Clerk. Senator Cruz?

Senator CRUZ. No.

The Clerk. Senator Capito?

Senator BLUNT. No by proxy.

The Clerk. Senator Wicker?

Senator WICKER. No.

The Clerk. Senator Fischer?

Senator FISCHER. No.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. No.

The Clerk. Senator Hagerty?

Senator HAGERTY. Nay.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. Aye.

The Clerk. The ayes are 9; the noes are 9.

Chairwoman KLOBUCHAR. The vote is 9-to-9, and so the amendment is not agreed to.

Are there additional amendments? Senator Shelby?

Senator SHELBY. Chair, I have an amendment. It is Amendment Number 1.

Chairwoman KLOBUCHAR. The clerk will hand it out. Do you want to speak on your amendment?

Senator SHELBY. I do, Madam Chair. Section 1611 requires 15 consecutive days of early voting, but 10 hours per day regardless of the number of registered voters in a jurisdiction. I think this is another example of a one-size-fits-all policy in the bill. Some states treat early voting similar to absentee voting or mail voting, including my State of Alabama. By requiring early voting to be done “in the same manner as voting on Election Day,” states will need to overhaul their early voting systems, including significant investments in security upgrades. Voters who vote early do not have the same information oftentimes as those who vote on Election Day, missing late-breaking developments that could affect their choices.

My amendment, Madam Chair, would strike the mandatory early voting requirements for all states. The Census Bureau recently reported that across the country, there was higher voting—voter turnout among all races in 2020 when compared to the 2016 election, and just short of our country’s record for a turnout at 66.8 percent. Alabama, my state, also had its fifth consecutive election where the state broke records for voter participation. Alabama, my state, has a robust in-person absentee ballot process that begins 55 days prior to the election, an effective form of early voting. In fact, 43 states and the District of Columbia offer some form of early voting.

Each one of these states has determined the type and the amount of early voting that works for them, and states, I believe, should continue to make these decisions. I think it is evident that states are implementing early voting and increasing voter turnout in ways that work for them. I do not believe we need to change a lot of things in this regard. I hope my colleagues will support this amendment.

Chairwoman KLOBUCHAR. Thank you, Senator Shelby. I look at it differently. The amendment would eliminate minimum basic requirements for early voting, which is truly a critical part of the bill. Millions of Americans still, despite the fact that so many states have early voting, so many Americans still have only one single day to vote, Tuesday, a workday, when voting is inevitably squeezed between errands and jobs. The bill requires states to provide at least 15 days of early voting. It further calls for no less than 10 hours a day and for voting to begin sometime between 9 a.m. and end sometime after 5 p.m.

The substitute amendment provides additional flexibility for small and vote-by-mail jurisdictions. I know we did not adopt that, but it is something to think about for the future. I would note that early voting has strong support. Seventy percent of Americans, including 63 percent of Republicans, support making early in-person voting available for at least two weeks prior to Election Day, which mirrors the early voting period required in this bill. Anyone else want to speak on the amendment?

[No response.]

Chairwoman KLOBUCHAR. Okay. With that, we—

Senator BLUNT. Madam Chairwoman?

Chairwoman KLOBUCHAR. Senator Blunt?

Senator BLUNT. I am certainly totally supportive of the amendment. I think it is reflective, again, of the one-size-fits-all purpose of this bill, and I just, frankly, think one size does not fit anybody

very well. Senator Shelby mentioned what states have done in this regard. They have—tend to move pretty dramatically in this direction. I think for states to do that and implement it in the ways that they think provide the best implementation strategy is the right thing to do, and I intend to vote for the amendment and would encourage others to.

Chairwoman KLOBUCHAR. Any other comments?

[No response.]

Chairwoman KLOBUCHAR. With that, we will move to a vote.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Senator WARNER. No.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Merkley?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Blunt?

Senator BLUNT. Yes.

The Clerk. Senator McConnell?

Senator McCONNELL. Aye.

The Clerk. Senator Shelby?

Senator SHELBY. Aye.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. With the tied vote of 9–9, the amendment is not adopted.

Next amendment, I think, Senator Warner.

Senator WARNER. Thank you, Madam Chairwoman. This is a simple amendment creating a study to make sure we are better serving our military service members and—

Chairwoman KLOBUCHAR. Senator Warner, could you say what number for the——

Senator WARNER. Oh, I am sorry. I believe it is Warner Amendment Number 1.

Chairwoman KLOBUCHAR. Warner Amendment Number 1. That sounds good.

Senator WARNER. Warner Amendment Number 1, and it still is a simple amendment even after that nomenclature, which creates a study to make sure that we are making sure our military service members—what the effect of vote by mail is on these members. This amendment was introduced by a Republican House member in the House debate and was adopted on a bipartisan basis. The amendment requires a report to Congress on the impact of widespread mail-in voting on active duty military service members, how quickly their votes are counted, and whether high volumes of mail-in votes makes it harder for these individuals to vote. We have got 130,000 active duty members in Virginia. I know many other states have got high numbers as well. We ought to have this data to make sure that our military members can vote in as high numbers as possible, and I think this kind of study would be appropriate. I note, again, the bipartisan nature of its adoption in the House.

Chairwoman KLOBUCHAR. Yes, it was Representative Burgess, I think, of Texas. Anyone wish to speak on the amendment?

[No response.]

Chairwoman KLOBUCHAR. Anyone else wish to speak?

[No response.]

Chairwoman KLOBUCHAR. Should we go to a vote? Oh, we are still passing it around. Why do we not give it a minute here?

[Pause.]

Chairwoman KLOBUCHAR. The amendment would require the Attorney General to submit a report to Congress on the impact of widespread mail-in voting for service members and how quickly their votes are counted. As was noted, it was offered by a Republican representative from Texas in the House and was adopted by the House. By the way, we can always do voice votes if people would like to do voice votes.

Voice.

[Off audio.]

Chairwoman KLOBUCHAR. Okay. Anyone to speak on the amendment?

[No response.]

Chairwoman KLOBUCHAR. Alright. The clerk, do you want to call the roll?

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Warner?

Senator WARNER. Aye.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator King?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Merkley?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Padilla?

Senator PADILLA. Aye.

The Clerk. Senator Ossoff?

Senator OSSOFF. Aye.

The Clerk. Senator Blunt?

Senator BLUNT. Votes no.

The Clerk. Senator McConnell?

Senator MCCONNELL. No.

The Clerk. Senator Shelby?

Senator SHELBY. No.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. No by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Nay.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. Aye.

The Clerk. 13 ayes; 5 noes.

Chairwoman KLOBUCHAR. The amendment is adopted. Congratulations, Senator Warner.

Are there other amendments? Senator McConnell?

Senator MCCONNELL. Madam Chairwoman, I call up McConnell Amendment Number 1. This relates to the Federal Election Commission. As all of us, I think, know, the FEC was created back in 1974 in the wake of Watergate. That was a period during which our Democratic colleagues had overwhelming majorities in the House and Senate. They could have crafted the FEC any way they chose to, but they realized that it ought to be evenly split between Republicans and Democrats. There was broad bipartisan understanding that the new panel needed to be beyond reproach. That is why it was built with an even-numbered membership with limits on commissioners' party affiliation, and requirements for super majority support. Legitimacy would have to come from impartiality.

All the way back in 1976, Democratic senator, Alan Cranston from California, specifically warned that, "The FEC has such a potential for abuse in our democratic society that the President should not be given"—not be given—"power over the Commission." Much more recently, one of the FEC's most liberal commissioners reaffirmed that the bipartisan structure was established, "to ensure that there was not going to be a partisan effort to use investigations against one political party for another."

Yet in this sweeping legislation, which our Democratic friends keep characterizing as a voting rights bill, they go out of their way to make the FEC partisan, nothing to do with ballot access, everything to do with raw power. This legislation would convert the FEC into an odd-numbered body where President Biden would pick the

tiebreaking vote, the exact outcome that was originally feared. The regulator of our democracy becoming controlled by one side would be hardwired into the rules entirely by design. This is so plainly unfair, so plainly an attempt to stack the deck that I am not really sure what more needs to be said.

Anyone who wants to talk about reforming the FEC should start with making the existing term limits for the FEC commissioners meaningful. Right now, two Democratic appointed commissioners have stayed long past their length of terms. One has been “held over” since her term expired 11 years ago. This amendment would eliminate the bizarre and inexcusable attempt to make the FEC a partisan body, and, instead, actually cap the FEC commissioners’ tenures at 12 years. I would encourage my colleagues support of my amendment.

Chairwoman KLOBUCHAR. I will respond, and then I think there may be others. Right now we have a dysfunctional Federal Election Commission. Everyone knows that, and this would, if we did nothing, leave in place a dysfunctional and deadlocked FEC. Hundreds of enforcement cases have languished in the past few years. It is not fair to candidates, or to the public, or anyone who depends on the fair administration of law. The FEC has not enacted any major disclosure rules after *Citizens United*. It cannot even agree to hire permanent general counsel. There has been no permanent general counsel for more than 7 years. What the For the People Act does is to set up a five-member Commission instead of a six-member Commission, and you—it clearly states that no more than two of the five commissioners can be from the same political party. No one party can take over the Commission. It also sets up a blue ribbon panel to help name nominees to the Commission. It will make the nomination process more fair and transparent.

The status quo actually only benefits those who are messing around with this system on either side, if you want to say that. I tend to say it is more on one side, but that is what it does. There is no referee on the field, and I think we are much better off, just like so many commissions that do have—I would say, with respect to the FCC, the Consumer Product Safety Commission. These commissions are not even-numbered commissions, and they have done a lot of good work. Senator Cruz?

Senator CRUZ. Madam Chairwoman, this is a vote that is a revealing vote. It is a sorting vote because anyone who votes against this amendment is admitting to the game. This bill, the corrupt politicians act, turns the Federal Election Commission from what it has been for 50 years, a bipartisan commission designed to favor neither party, into a partisan agency that would predictably be used to persecute, target, and attack whichever party is out of power. Any senator on this committee who votes against this amendment cannot pretend this bill is about voting rights, cannot pretend this bill is about expanding access to the ballot, because it makes clear that the only objective of this bill is to ensure Democrats stay in power and to target the political opposition.

I asked in my opening comments how many Democrats would be comfortable if we had a Republican Administration with a Federal Election Commission controlled by Senator McConnell. It is interesting on Twitter, the lefty world of Twitter had great joy with my

suggesting that a Federal Election Commission controlled by Senator McConnell would be used to target Democrats. I actually happily retweeted that because the purpose of this—just as you would not trust a Federal Election Commission controlled by Senator McConnell, I promise you nobody else would trust a Federal Election Commission controlled by Senator Schumer. Having an FEC that is simply a partisan weapon to attack your opponents makes clear the objective of this is to disenfranchise the voters, is to use the Federal Government as a tool to make sure if the people of California ever decide we do not want to vote for Democrats anymore, they are not going to be able to because the Federal Election Commission is used as a partisan weapon to target the political opposition.

If our political history has taught us anything is that winds can change. The voters can decide. There was a time when California was the heart of the Republican Party and had voted Republican in six consecutive Presidential elections. That is no longer the case. Well, if the corrupt politicians act passes, the voters lack the ability to change their mind because it gives the Democratic majority the power to weaponize and target their opposition. I strongly support this amendment.

Chairwoman KLOBUCHAR. Any other people want to speak on it? Senator Merkley is eating his sandwich. I will give him a second.

Senator KING. I have a question. As I read the manager's amendment, it indicates that the Commission shall have five members, no more than two of which may be affiliated with the same political party. Is that not a check on what you are concerned about? It sounds like it—you could only have two Democrats and two Republicans, that the third member has to be someone, and it is pretty specific. They cannot have been affiliated with a party as a registered voter, employee, consultant, owner for the prior five years. It seems to me this—that is not an unreasonable way to deal with what is now a dysfunctional structure that is totally deadlocked. It does not look like this is necessarily a grab by one party or the other since out of five, you can only have two from either party.—

Senator MCCONNELL. If the senator would yield.

Senator KING. Yes, please.

Chairwoman KLOBUCHAR. He is just asking a question.

Senator MCCONNELL. If the senator would yield.

Senator KING. Yes, please.

Senator MCCONNELL. The FEC is not dysfunctional at all. It requires only—it requires a bipartisan vote in order to proceed, so you are assuming that because frequently the FEC differs, that somehow it is dysfunctional. That presumes that you want an activist FEC frequently interfering in election contests. The American people do not need any advice about this. Candidates do not need any advice about this. The law is clear. When there is a clear violation, you can reach across the party lines and get somewhere. I mean, the whole notion that failure to act is dysfunctional when we are talking about fundamental First Amendment free speech rights, I do not think there is any dysfunction at all.

Senator KING. For example, did I not hear that they have not been able to appoint a general counsel for—

Chairwoman KLOBUCHAR. Yes.

Senator KING. That strikes me as not a very functional organization if they cannot even appoint their own officials, cannot agree—

Senator MCCONNELL. Apparently they cannot agree on it, and that is a decision.

Senator KING. Okay. I guess we have a different—

Senator MCCONNELL. Yes. I mean, a failure to reach across the aisle and reach a bipartisan agreement is a decision not to go forward.

Senator KING. But how do you characterize this as a partisan power grab when no more than two out of the five can be from the same party?

Senator MCCONNELL. Oh, I think any President with an ounce of sense can figure out somebody who may appear to be independent who is actually on their side.

Senator CRUZ. Senator King, if I may address that question as well. I think Senator McConnell is absolutely right. It is not complicated for a partisan President to find three votes who are going to vote with him. You know, I would note in the United States Senate, there are two senators, yourself and Senator Sanders, who are declared Independents, but who vote with the Democratic Party with such absolute predictability as to be entirely reliable. I hope at this hearing that is proven wrong, but—

Senator MCCONNELL. Would the senator from Texas yield for further observation? It would be interesting for everybody to note that Harry Reid's personal attorney—personal attorney, who is registered Independent—has been on the FEC for 15 years.

Senator CRUZ. I would point out that—to take Senator Sanders, for example, I think it would be difficult for anyone to argue with a straight—

Senator KING. I do take him.

[Laughter.]

Senator CRUZ [continuing]. to argue with a straight face that a Federal Election Commission that consisted of two explicit Democrats and Senator Sanders would not be a partisan weapon. Look, all of us know how to do this. We have an example not only the Federal Elections Commission itself, but we have an example in the Senate. We have an Ethics Committee. The Ethics Committee is the one committee in this body that is designed not to be a partisan committee, and under our rules, it takes a bipartisan majority.

Just like the Federal Elections Commission, the Senate Ethics Committee has three Republicans, three Democrats. That means when the Republicans are in power, and most of us were here when the Republicans were in power for a long time. I suspect Democrats would not have been happy if it was a 3–2 Republican majority that could be used to launch an investigation of a Democratic senator, say, a month before the election in a purple state like Georgia. I suspect that would make you understandably quite unhappy if the Republican Party had the power to launch a public investigation designed to influence an election, and that is why we require a bipartisan majority on the Ethics Commission. It is also why the

law has required for 50 years a bipartisan majority on the Federal Election Commission, and this bill guts that.

Chairwoman KLOBUCHAR. I would like to respond as well. First of all, there are so many areas of public policy that the FEC has not acted in. We have all kinds of issues with online political ads and the like where I do not think they have taken this to the level they need to in terms of making sure that the rules are followed, not having enforced cases, hundreds of enforcement cases languishing. I would point out this is not just a change for today. This would be a change going forward.

Presumably, if there is a Republican President, they would be appointing, when terms end, their own person. This is not some power grab by the Democratic Party. What this is—this is trying to give the Federal Election Commission the power it was supposed to have to make decisions, because right now they are pure gridlocked. Not even being able to hire a counsel in 7 years, that is gridlock.

Senator MCCONNELL. Madam President, if I may, 3–3 is a decision. It is a decision. It is a decision that the particular activity that someone thinks is a good idea does not enjoy bipartisan support. That is exactly what Senator Cruz is pointing out here. It is exactly why, as he pointed out, the Ethics Committee is crafted the way it is, exactly why the Federal Election Commission is crafted the way it is.

Chairwoman KLOBUCHAR. Senator Merkley?

Senator MERKLEY. Thank you, Madam Chairwoman. Well, I think there are a few around the country who would share the interpretation that the FCC is actually an effective watchdog for our election laws because they have basically been unable to do anything for over a decade. Since 2010, the FEC's stalemate has allowed more than \$1 billion in dark money from undisclosed sources to flood into elections. Enforcement of rules that limit cooperation between candidates and Super PACs has basically gone unpoliced making the wall between the two essentially non-existent Presidential candidates have too often become the equivalent of racehorses backed by rival billionaires. It has created no meaningful response by the FEC to the revelations that Russia sought to manipulate the United States electorate. Discussion of change that will allow disclaimers or require disclaimers on the online ads that Russian operatives used to influence American voters has been stalled without action, and so on, and so forth, and so forth.

I do not know that there is an easy answer to this. We would like to have the commissioners who are nominated and confirmed serve the public, not serve the parties. I think what we have in the underlying bill is the closest we can come to that so that they can actually make decisions for enforcement and do so with no more than two members from either party. I take the point that no system is perfect, but the current system means that our election laws just are not being enforced.

Our minority leader in 1973 wrote an op-ed, "Without effective enforcement, a campaign finance law, no matter how noble, could become a farce." Well, our campaign laws have often become a farce. This an attempt to do better, not perfect. If there is a better

way to do it, great, but the existing system is failing Americans by failing to enforce the campaign laws.

Chairwoman KLOBUCHAR. Anyone else? Senator Hagerty?

Senator HAGERTY. Thank you, Madam Chair. I appreciate the opportunity to support Senator McConnell's amendment, and I would just cite an example. We talk about the possibility of Republican President coming in and shifting the partisan weight in the opposite direction. But I will remind everybody that this whole discussion on S. 1 is about never having a Republican President serve ever again. All you have to do is look south of our border to Venezuela. Maduro has done exactly this. He has weaponized his equivalent of the FEC, turned it into a partisan body for a very simple reason: he wants to make certain that he remains in power forever, and that is exactly what is taking place here today. That is why we need to support Senator McConnell's amendment. Thank you.

Chairwoman KLOBUCHAR. I would note at our hearing, Trevor Potter, the former Republican chair of the Federal Election Commission, strongly supports this entire bill because of the outside influence of money and the failure of the FEC to be able to make enforcement decisions. That is why I oppose this amendment, but you should look at his testimony. He is well known by many of you, and I do not think he would be messing around if he thought that this bill favored one party or the other.

With that, let us have a vote.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Votes aye.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator SHELBY. Aye.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. Tied vote, and the amendment fails.

Is there another amendment?

Senator SHELBY. Madam Chair?

Chairwoman KLOBUCHAR. Oh, Senator Shelby?

Senator SHELBY. I have an amendment.

Chairwoman KLOBUCHAR. Okay. We have been going every other one, but I think it is fine if you want to go ahead.

Senator SHELBY. I will yield.

Chairwoman KLOBUCHAR. No, no, go ahead. Go ahead.

Senator SHELBY. My amendment is Shelby Amendment Number 2. This amendment would strike Section 4111. Section 4111 would regulate a new category of speech, so-called campaign-related speech, which includes any public communication that mentions a Federal candidate or elected official at any time if the message is deemed to promote, attack, support, or oppose the candidate or official, commonly referred to as the PASO standard. Nearly all ads, as we all know, by advocacy groups that seek to prioritize issues with the Administration or Congress to oppose or promote certain policies or positions would be subject to onerous reporting and donor exposure requirements. This section would unconstitutionally, I believe, regulate speech that mentions a Federal candidate or election official at any time under a vague subjective and dangerously broad standard. From the ACLU—even the ACLU has raised concern about this PASO standard, saying that it is vague and subjective and would—will prohibit speech that is clearly, clearly constitutionally protected.

There have been many anonymous political activities in United States history, including paid communications, that proved vital for our—moving our country forward from before the American Revolution, to the Federalist Papers, the abolition of slavery, and the Civil Rights Movement. Forcing people who fund these activities to reveal themselves will inevitably lead to fewer donors for fear of retaliation.

Basically, as I said, Section 4111 creates a new category of speech, so-called campaign-related speech, which is defined by a vague and overly broad metric. If this were to become law, incumbent politicians would be insulated from ads criticizing their policies. Essentially, it would require individuals and organizations that finance any public communication, mentioning a Federal candidate or elected official, to file extensive disclosures with the FEC. This is very troublesome. The Supreme Court, as everybody here knows, has long considered political speech to be at the core of the First Amendment. I urge my colleagues to support this amendment.

Senator MERKLEY. [Presiding.] Do we have folks who would like to comment on this amendment?

[No response.]

Senator MERKLEY. Well, I will just note that the—oh, Senator King.

Senator KING. I would like to make an inquiry of Senator Shelby. This is—what you are eliminating is the disclosure requirement. Is that correct?

Senator SHELBY. Strike the whole section. That is part of it, mm-hmm.

Senator KING. Well, I object to this amendment simply because I think disclosure of the identity of a donor is not a restriction on free speech. We have—we have—we have this bizarre dual system in our—in our society where if somebody contributes \$100 to your campaign, you have to disclose who they are, their name, their address, their occupation. If somebody can contribute \$4 million to a 501(c)(4), which then advertises in your election, they do not have to be disclosed. To me, disclosure is not a restriction on free speech. In Maine, we still have town meetings. Nobody is allowed to go to a town meeting with a bag over their head. Who the—who the speaker is is part of the information—

Senator SHELBY. We understand—

Senator KING [continuing]. that I believe people are entitled to have when they decide elections. If somebody is going to contribute millions of dollars for or against you, or me, or Senator Cruz, I think the voters are entitled to know who they are. If it is—if it is true for somebody that contributes a few hundred dollars, I do not know why it is not true for somebody who contributes a few million dollars.

Senator CRUZ. Senator King, if I might respond to that. You are right that the Supreme Court has concluded that disclosure when it concerns contributions to an individual candidate can be required. Later in this markup, I am going to have an amendment on legislation that I have introduced in every Congress since I have been here called the Super PAC Elimination Act that would provide for immediate disclosure for contributions to campaigns. But the Supreme Court has also said that you cannot require that for third party groups. The seminal case concerned the NAACP, and it concerned Southern Democrats targeting the NAACP and trying to force the NAACP to turn over its donor list so that those officials could target and persecute those donors, and the Supreme Court held that that was unconstitutional.

This provision effectively undermines that protection, and there is a difference between contributing to a campaign of a candidate, which the Supreme Court has said has anti-corruption purposes, and contributing to a third party group, which subjects those individuals to persecution by—from whoever is in power.

Senator MERKLEY. Other commentary?

[No response.]

Senator MERKLEY. Well, I will note that the For the People Act is committed to ensuring that everyone has a right to know who is trying to influence their views and their votes. The Disclose Act and coordination provisions deal with regulating certain types of campaign advertisements. Some campaign ads that are regulated or those that PASO—P-A-S-O—a candidate means that communication promotes, attacks, supports, or opposes the election of a

candidate for office. To avoid any concerns about vagueness or subjectivity, the For the People Act makes clear that this test covers communications that promote, attack, support, or oppose the election of a candidate.

The Supreme Court has upheld this test as recently as 2003 in *McConnell v. FEC*. The Court said, "Any public communication that promotes or attacks a clearly identified Federal candidate directly affects the election in which he is participating." The Court also explained that this test provides explicit standards for those who apply them. That is the legal framework, but the common-sense framework is that, under current law, ordinary individuals living in my blue collar community, if they donate over \$200, they have to face disclosure while the powerful and privileged want to hide their involvement. What is good for the goose should be good for the gander. What applies to an ordinary working American, who it is a big deal to donate over \$200, ought to apply to the billionaire as well, and that is why I also oppose this amendment.

Senator CRUZ. Would the senator yield for a question?

Senator MERKLEY. I will yield for a question, not for Senate debate. I have expressed my view. You have expressed yours. I want to make sure we do not end up in a significant delay.

Senator CRUZ. The question, and this is meant to be a markup, so it should be a debate. But the question I would ask is, is it Senator's view that the United States Supreme Court was wrong when it upheld the protections and privacy of the donors to the NAACP?

Senator MERKLEY. In this case the, what we are discussing is not donations to the NAACP. We are discussing donations——

Senator CRUZ. But it would apply——

Senator MERKLEY [continuing]. for expenditures that explicitly influence a campaign, which is quite something different.

Senator CRUZ. Which the NAACP does.

Senator MERKLEY. Well, not all their expenditures, and I have read to you the Supreme Court's finding. Other discussion?

[No response.]

Senator MERKLEY. Seeing none, I think we are ready to vote. Will the clerk please call the roll?

The Clerk. Senator Feinstein?

Senator MERKLEY. No by proxy.

The Clerk. Senator Schumer?

Senator MERKLEY. No by proxy.

The Clerk. Senator Warner?

Senator MERKLEY. No by proxy.

The Clerk. Senator Leahy?

Senator MERKLEY. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Votes aye.

The Clerk. Senator McConnell?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Shelby?

Senator SHELBY. Aye.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator BLUNT. Aye by proxy.

The Clerk. Chairwoman Klobuchar?

Senator MERKLEY. No by proxy.

The Clerk. The vote is 9 ayes; 9 noes.

Senator MERKLEY. The vote is tied, 9 ayes, 9 noes, and the amendment fails.

Who has the next amendment? Senator King, and then we will come to Senator Padilla after we go to a Republican colleague.

Senator KING. I hope this can be a nonpartisan amendment. It is, let us see, Amendment Number—it is King 01, and it is—it is Amendment King 01. Basically, it requires the director of the Cybersecurity and Infrastructure Security Agency, better known as CISA of the Department of Homeland Security, issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and assert—deter cybersecurity incidents.

I have worked for the last 2 years on the Cyberspace Solarium Commission on cyber issues involving everything from elections, to government infrastructure, to private sector infrastructure, to critical infrastructure, such as pipelines and the electric grid. This is simply a report from CISA asking them to develop guidelines on cybersecurity to provide to the state and localities in furtherance of their concern about secure elections. I hope this will be a non-controversial amendment.

Senator MERKLEY. Anyone wishing to comment?

Senator BLUNT. Mr. Chairman——

Senator MERKLEY. Senator Blunt?

Senator BLUNT [continuing]. I am not sure we have jurisdiction here to direct this Agency to do that. We can direct the Election Advisory Committee to do something like this. I do not think we have the ability here to give direction to this Agency. Do you have a——

Senator KING. Well, I would argue that it is within our jurisdiction because of our jurisdiction with regard to election security generally.

Senator BLUNT. Well, that would be for the counsel of the committee to decide. I do not think we can do this, but it does not mean we cannot vote on the amendment.

Senator KING. Thank you.

Senator MERKLEY. I will note that I believe this Agency has been created by law passed by Congress, so we should be able to have jurisdiction to be able to modify the tasks that they are assigned to. Anyone else wishing to comment? Senator Blunt, are we okay with calling the roll? Senator Padilla? No? Okay.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Senator MERKLEY. Aye by proxy.

The Clerk. Senator Schumer?

Senator MERKLEY. Aye by proxy.

The Clerk. Senator Warner?

Senator MERKLEY. Aye by proxy.

The Clerk. Senator Leahy?

Senator MERKLEY. Aye by proxy.

The Clerk. Senator King?

Senator KING. Aye.

The Clerk. Senator Merkley?

Senator MERKLEY. Aye.

The Clerk. Senator Padilla?

Senator PADILLA. Aye.

The Clerk. Senator Ossoff?

Senator OSSOFF. Aye.

The Clerk. Senator Blunt?

Senator BLUNT. Votes no.

The Clerk. Senator McConnell?

Senator BLUNT. No by proxy.

The Clerk. Senator Shelby?

Senator BLUNT. No by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. No by proxy.

The Clerk. Senator Wicker?

Senator BLUNT. No by proxy.

The Clerk. Senator Fischer?

Senator BLUNT. No by proxy.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. No.

The Clerk. Senator Hagerty?

Senator BLUNT. No by proxy.

The Clerk. Chairwoman Klobuchar?

Senator MERKLEY. Aye by proxy.

The Clerk. 10 ayes; 8 noes.

Senator MERKLEY. The vote is 10 to 8, and the amendment is adopted.

Do we have a Republican colleague who would like to do the next amendment? Senator Cruz from Texas.

Senator CRUZ. Mr. Chairman, I would call up Cruz Amendment 4. Earlier in this markup, we had a debate over the effect of this bill and the intended effect of this bill. As I said at the beginning of this markup, I believe it is intent of this bill to register to vote millions of illegal aliens for the purpose of diluting the vote of American citizens, and making it harder for the people to vote Democrats out of office. Democratic supporters of this bill re-

sponded in debate and said that is not, in fact, the purpose of this bill, despite the plain text to the contrary. This bill right now automatically registers to vote anyone who interacts with the government. If you get a welfare check, if you get an unemployment check, if you get a driver's license, you attend a public college or university, you are automatically registered to vote. Millions of illegal immigrants fall into those categories. It explicitly sets up a process to register those millions of illegal immigrants.

This amendment very simply requires that any agency that is automatically registering people to vote should verify that they are United States citizens, should verify that they are not, in fact, illegal immigrants. If the Democratic senators who have told this committee the purpose of this bill is not to register millions of illegal immigrants, if they are, in good faith, advancing that position, then this amendment should confirm that position. But if, on the other hand, Democratic senators vote, as I think most people expect, against this amendment, it makes clear that their objective is just what any ordinary person reading the bill would think their objective is, which is to register millions of illegal immigrants to vote illegally because they believe it benefits them in a political and partisan manner.

Senator MERKLEY. Is there debate on Senator Cruz's amendment? Senator Padilla?

Senator PADILLA. Thank you, Mr. Chairman. I just want to speak up in opposition to not just the amendment, but the very fundamental claim for the dozens of states—red, blue, and purple states—that have adopted and implemented automatic voter registration. Clearly, the safeguards are there to help protect against the mass registration, systematic registration of ineligible voters. Let me just be very precise. When we talk about automatic registration, we are primarily talking about the Department of Motor Vehicles in most states affording an opportunity for eligible Americans to register to vote while they are applying for, renewing their driver's license or their state ID, by the way, providing that opportunity as required by the NVRA.

The innovation of automatic registration simply improves the efficiency and the effectiveness of that opportunity by creating an opt-out versus an opt-in system. But built into the process is still a requirement that the voter, to be registered, attests to their eligibility, the same attestation that exists on a paper form, the same attestation that is required through online voter registration. In these transactions, particularly when, you know, people are first applying for a driver's license or their ID, there is documentation required to prove age, for example, and for the vast majority of individuals, they are providing either birth certificates or a passport that, you know, by—as a result, provides that presumption of citizenship. It is made clear, again, for folks who are going through the voter registration transaction, that if you are not eligible, you certainly cannot register, and you certainly cannot vote.

I do believe that, in practice, the proper safeguards are put in place, and I would recommend a no vote on this amendment.

Senator MERKLEY. Thank you. Additional debate? Senator?

Senator CRUZ. Thank you, Mr. Chair. I would note that the senator from California cannot have it both ways. It cannot be that the

Department of Motor Vehicles both is verifying citizenship and is not. If the DMV were verifying citizenship, then every senator on this committee should support this amendment because that would satisfy the terms of this amendment. The reality is the DMV does not verify citizenship. In the State of California, there are hundreds of thousands, and likely millions, of illegal immigrants with driver's licenses. This would automatically register most, if not all, of them.

The senator from California suggested there are safeguards. Well, this amendment is designed to create one—a safeguard. Without this amendment, the current bill does not require any verification whatsoever, and, in fact, that that is clear is made evident on the text of the bill because the bill also repeatedly immunizes from liability the state officials who will be registering illegal immigrants because the authors of the bill know full well that if this bill became law, millions of illegal immigrants would be registered to vote. That has the effect of diluting, of robbing United States citizens who are legal votes from the ability to cast a vote and have that vote fully count.

Senator MERKLEY. I would ask my colleague from Texas a question. We have many states that have established automatic voter registration. Do you have any studies you want to present for the record that document extensive mistakes being made in which people, who were non-citizens, were registered to vote? The Brennan Center, I might note, has studied this, and they have found that you are more likely to be struck by lightning than finding such an individual. But if you have evidence to the contrary, I think this could be an appropriate time to present it to the committee.

Senator CRUZ. You know, since Senator Merkley is one of the authors of the bill, as I understand it, I suppose I could ask why he saw fit to repeatedly immunize state officials from registering illegal immigrants if it were not that the obvious and intended effect of this bill was to register millions of illegal immigrants.

Senator MERKLEY. Does the Senator have documentation which he wishes to submit to the committee?

Senator CRUZ. Senator Merkley is declining to answer that question.

Senator MERKLEY. Okay.

Senator CRUZ. I am going to refer to the text of the bill which makes absolutely clear that the effect of this is to register millions of illegal immigrants. There would be no purpose for the—for the granting immunity if it were not the case that that is exactly what this bill is designed to do.

Senator OSSOFF. Will the senator yield?

Senator MERKLEY. Oh, yes.

Senator OSSOFF. I just wanted to follow-up on Senator—

Senator MERKLEY. Yes, Senator Ossoff?

Senator OSSOFF. Thank you, Senator Merkley. Just to follow-up on Senator Merkley's question, Senator Cruz. In Georgia as well, we have, in fact, enacted by a Republican-controlled state legislature, automatic registration for voters. I would like to, again, offer you the opportunity in good faith, Senator Cruz, to present any evidence for the record of this committee that in any of the states

where this policy exists, there is any widespread registration or voting by people who should not be eligible to vote.

Senator CRUZ. Well, you know, I am very glad that the Democratic senators are suggesting that illegal immigrants will not be registered to vote under this bill because if that is the case, you should support this amendment because this amendment then would be supporting what you claim are the purposes of the bill. By the way, for what it is worth, every single Republican senator and every single Republican House member believes that the purpose of this bill is to keep Democrats in power. That is why every Democrat on this committee just voted to make the Federal Election Commission a partisan Democratic agency. The fact that you are suggesting illegal immigrants will not be registered means that you should support this amendment because it would mean the people registered are citizens and can provide proof of citizenship.

But it is the position of Democrats in the Senate that you do not want people to provide proof of citizenship, and that, I believe, is why the statute explicitly grants immunity to officials breaking the law. The reason the immunity is there is because what the bill provides, is it directs them to break the law and register millions of people to vote who are not eligible to vote because they are not United State citizens.

Senator MERKLEY. Senator King?

Senator KING. Well, first, I did not vote to make the FEC partisan. I voted to make the FEC functional. The provision that was—

Senator MERKLEY. Your microphone, Senator.

Senator KING. The mic is on.

Senator MERKLEY. Oh, Okay.

Senator KING. The provision that was—that we—that we—that is in the bill basically is designed—it will work both ways, as you suggest. A Republican President will name those—that fifth member, and they are staggered, as you know, but it certainly, in my case, was not a desire to make it partisan. It was to make it functional.

Secondly, as I read the underlying amendment, and maybe this changed from the original bill, but it first says in the very first—in the very beginning, “A state election official of each state shall establish an operating system of automatic registration for the registration of eligible voters to vote for elections,” then it goes on under Subsection 3, “Information Transmittal.” “The contributing agency shall electronically transmit the following information,” and Subsection D is “information showing that the individual is a citizen of the United States.” Is not that what you want? It seems to me your amendment is redundant. It is already in the bill.

Senator CRUZ. If it is redundant, why would not you support it?

Senator KING. Well, because if it is already in the bill, why—

Senator CRUZ. But if it is already in the bill, then you should happily vote “yes,” and I have noted I voted for your amendment.

Senator KING. Yes, you did, and I knew that I would pay a price for that at some point. I am just kidding, but you understand. Am I misreading the statute?

Senator CRUZ. Well, look, Senator Padilla is arguing that it is harmful. That is different from saying it is redundant. If it is

harmful, then you have to explain why you think it is harmful, but saying it is redundant, it ought to be easy to vote—to vote for it if it—if it is redundant. You believe this bill does something beneficial. If your response is the bill already does this, then that ought to be an easy amendment to adopt.

Senator KING. Well, I do not know why I should vote for an amendment that rewrites something that is already in the bill that is very clear. “Information showing that the individual is a citizen the United States” is one of the required showings in this—that is already in the——

Senator CRUZ. But it is not required. They pass on any information they have, but they do not—they are not required to collect it.

Senator KING. It says each shall—“agency shall electronically transmit to the appropriate agency the individual’s given name,” and it lists what they shall convey, one of which is information showing that the individual is a citizen of the United States.

Senator CRUZ. If they have it, they pass it on, but they are not required to collect it. That says you shall pass it on if you have it. What my amendment does is require them to actually examine it and collect the information.

Senator KING. This says “shall transmit to the appropriate state election official the following information,” and it lists name and address, date of birth, residential address, “shall transmit the following information, information showing that the individual is a citizen of the United States.” I take that as an affirmative responsibility of the contributing agency.

Senator CRUZ. The statute also explicitly allows an individual simply to affirm it with no proof, no evidence whatsoever, simply to affirm that he or she is a citizen.

Senator KING. Well, that is a different—that is a different amendment, a different argument.

Senator CRUZ. No, this amendment says you have to have documentation, which you need to get a passport, which you need—I mean, it is—a moment ago you said it is redundant to require information showing you are a citizen.

Senator KING. Yes, because that is what it says.

Senator CRUZ. It says if they have it. It does not say that they have to collect it. It does not say they have to have it.

Senator KING. No, it does not say that. It says they shall transmit information showing that the individual is a citizens of the United States. That is an affirmative showing that has to be made.

Senator CRUZ. Why then does the bill grant immunity from Federal liability for state officials who illegally register people who are illegal immigrants to vote?

Senator KING. That is not the provision in question.

Senator CRUZ. But it is. It is indicative of the intent of the bill, and the point I made to Senator Padilla a minute ago, there are millions of illegal immigrants with driver’s licenses. This would automatically register them.

Senator PADILLA. Mr. Chair, if I may to try to address some of the——

Senator MERKLEY. Senator Cruz, would you yield to Senator Padilla?

Senator CRUZ. Sure.

Senator PADILLA. Number 1, in the handful of states that do offer a driver's license, not just California, but I can speak to California, the transaction—even the basic forms that a California resident fills out is a very separate and apart process than the regular driver's license application and transaction. Those individuals are not afforded the opportunity to register to vote as eligible voters are. Just want to blunt that because, again, in practice, many, many states, not just California, systems are set up to protect the integrity of the transaction.

Fundamentally, Senator King, I believe—I am suggesting a “no” vote on Senator Cruz's amendment because it is a solution in search of a problem. The states that have implemented automatic voter registration already have the practices, the procedures, the experience in place. To Senator Merkley's point, there is zero evidence of mass registration of ineligible voters, so the systems, as have been adapted by many states—blue, red, and purple—are working.

Senator MERKLEY. Who else would like to speak to this?

[No response.]

Senator MERKLEY. I will just note that I am concerned about the continued efforts to promote a falsehood. This falsehood is that this bill will allow—by doing things that many states are already doing, enable those who are not eligible to vote to register to vote. This came up in our previous hearing. The Secretary of State testified from Michigan, Jocelyn Benson, that they had six provisions to make sure—to try to make sure there were no mistakes and that people who are not eligible to vote did not vote. She has sent us a letter, or she sent me a letter, but I will submit it to the committee for the record. It lays out all of those efforts.

[The information referred to was submitted for the record.]

Senator MERKLEY. I also asked about—her about the results of investigations pursuant to a lawsuit that argued that there were ineligible voters voting, and she said the result of that investigation was zero folks were found. I have in my hand a list of 18 states that have automatic voter registration. They include Republican states like Alaska. They include Democratic states. I have asked the senator if he has any information that he would like to submit to the committee showing that this has become a problem in any of these states. He has declined to do so. This effort to promote a falsehood is deeply damaging, and for that reason I will vote against this amendment.

The clerk will call the roll.

The Clerk. Senator Feinstein?

The Chairwoman. [Presiding.] No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Votes aye.

The Clerk. Senator McConnell?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. With that, the amendment is not adopted.

Next, Senator Padilla?

Senator PADILLA. Thank you, Madam Chair. Colleagues, I ask for your support of Padilla Amendment 01 that is before you, which amends the section of the bill that would require the United—the United States Postal Service to process and clear mail ballots from USPS facilities on the same day they are received, to read, “would require the USPS, to the maximum extent practicable, to ensure that any ballot carried by USPS is processed and cleared from the postal facility on the same day that it is received.” This is, in part, a result of a consultation with the USPS and, in part, a result of a consultation with Republican and Democratic secretaries of state across the country.

We know that in the real world, sometimes conditions change. Not all states, not all local processing facilities of the USPS are created equal. This amendment simply provides a little bit of that flexibility, wiggle room for the USPS to continue to conduct the delivery of all mail, including election mail, on an efficient basis. Just to give us comfort for those who may be wondering, well, if we are cutting deadlines close, should it not be the same day. In concert with the provisions of this bill that allow for vote by mail ballots that are postmarked on or before Election Day, so mailed on a timely basis that can arrive days after the election and still be counted. No voter would lose their right to vote. Their votes will be counted by providing the USPS the accommodation by this amendment. I ask for your aye vote.

Chairwoman KLOBUCHAR. Does anyone desire to speak on the amendment?

[No response.]

Chairwoman KLOBUCHAR. Okay. The clerk—Senator Blunt?

Senator BLUNT. I have—I have a question. My description here of the amendment says it requires the USPS to process and clear absentee ballots the same day it is received. Did you modify that?

Senator PADILLA. The original S. 1 has that language. My proposed amendment changes that to read, “requires a USPS, to the maximum extent practicable, to ensure that any ballot carried by USPS is processed and cleared from the postal facility on the same day.”

Senator BLUNT. Alright.

Chairwoman KLOBUCHAR. It is moderating language. Okay. Anyone else wish to speak on this?

[No response.]

Chairwoman KLOBUCHAR. Okay. The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator King?

Senator KING. Aye.

The Clerk. Senator Merkley?

Senator MERKLEY. Aye.

The Clerk. Senator Padilla?

Senator PADILLA. Aye.

The Clerk. Senator Ossoff?

Senator OSSOFF. Aye.

The Clerk. Senator Blunt?

Senator BLUNT. Aye.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. Aye.

The Clerk. The ayes are 18. 0 noes.

Chairwoman KLOBUCHAR. The amendment is adopted. Congratulations, Senator Padilla.

Additional amendments? Senator Hagerty?

Senator HAGERTY. Thank you, Madam Chair. I would like to call up Hagerty Amendment Number 14, please. This bill allows unlimited paid-by-the-hour political operatives to collect and turn in an unlimited number of ballots in unmanned drop boxes 24/7, for weeks preceding an election. My amendment strikes the provision that requires states to allow unlimited ballot harvesters that are paid or their operatives of a political campaign, a political party, or political committee.

This really becomes all about funding payrolls and creating the largest possible machine of ballot harvesters, ballot harvesters who will go out and identify favorable voters and mass gather those votes door to door in densely populated areas, nursing homes, you can imagine. They can do this for weeks preceding the election. They do this not by earning the support of voters, by communicating positions on key issues. They do this by having a ground game that can attack on the ground, on the field to harvest these ballots.

You know, in 2018, in North Carolina, a congressional election was overturned for using just this type of scheme, yet here we are today trying to pass this into law. What we are talking about is a system in which elections are all about mass harvesting of ballots by people who have a strongly vested interest in the outcome. It is obviously susceptible to fraud and corruption. Would there be help completing these ballots? Would all ballots be turned in? These are very serious questions, questions that would destroy confidence of Americans in our system. I encourage you to support my amendment. Thank you.

Chairwoman KLOBUCHAR. Would anyone like to speak on the amendment?

Senator KING. I just have a question.

Chairwoman KLOBUCHAR. Senator King?

Senator KING. Senator, your amendment refers to page and lines. I am not sure the pages are the same in the amendment. Can you give me a section that it amends? They may be—it may be the same. I am not sure. I just want to find the—

Senator HAGERTY. Page 203, lines 13 through 16.

Senator KING. Okay. Let me—yes. See, the—I am working off the manager's amendment that is—that is different. Does somebody know the section we are talking about here?

Chairwoman KLOBUCHAR. Just a second, Senator King. The question is Hagerty 14, what section it amends.

Senator KING. Right.

Senator BLUNT. Well, I think all of our amendments are based on the base bill, which is, what—

Senator KING. On the base bill, yes.

Senator BLUNT. Which is what the markup was supposed to be on.

Senator HAGERTY. Yes. Angus, if you could pull up S. 1, not the substitute.

Senator KING. I have got it. I have got it. Thank you.

Senator HAGERTY. Okay. Okay.

Chairwoman KLOBUCHAR. Okay. While Angus—Senator King is looking at that, I will just respond here. I know a lot of my Repub-

lican colleagues refer to the practice of helping voters returning their ballots as harvesting. Helping voters to return their ballots, to me, having seen seniors and assisted living and the like, people with disabilities, is a form of civic participation in which Americans help each other exercise their right to vote and make their voices heard. This amendment would restrict who can help voters return a completed sealed ballot, prohibiting anyone who has worked for or even volunteered on a political campaign in the past year. It also prevents anyone paid to perform ballot collection and allows states to limit the number of ballots a person can return. But 36 states, about 70 percent of the states, already allow someone other than a voter to return a ballot, including states like North Dakota and Montana, and only 10 of the states limit in any way who can help a voter return a ballot.

The For the People Act would ensure that voters can designate someone to return their ballots after they are completed and sealed, prevent states from limiting how many ballots a person can return, and prevent anyone from receiving compensation based on the number of ballots returned. Ballot collection is essential for, one, voters with disabilities and elderly voters, including those in assisted living who may face obstacles to delivering their ballot. I think everyone knows someone like this, and not all these individuals will have certified caregivers, even though they may require assistance with returning their ballot; Native-American voters residing on reservations, who have limited mail access and may be far away from polling locations, post offices, or election offices. Many of us know the long distances that many of these voters have to travel. Communities of color, who may rely on community organizations to help them return their ballots.

In 2020, the Ninth Circuit Court of Appeals struck down Arizona's ban on third-party ballot return, holding that it was enacted with discriminatory intent, and had a discriminatory impact on minority populations in violation of Section 2 of the Voting Rights Act and the Fifteenth Amendment. I would note my colleagues usually point to voter fraud. As we have already discussed several times, this is exceedingly rare. The one—I know one example that is used. There was an immediate prosecution involving a Republican candidate, and I just do not think that that should be the reason that we would deny senior citizens who are in assisted living or people with disabilities the ability to have someone bring their votes in, as is happening right now in 36 states.

Senator HAGERTY. Madam Chair, this bill—this amendment does not deny that right. In fact, family members and caregivers certainly can help and assist, and states are addressing this on their own. This should not be about opening the floodgates for paid operatives, for campaign workers to go into these facilities and harvest ballots. States are addressing this on a case-by-case basis. That is a far better venue for this to happen.

Senator PADILLA. Madam Chair?

Chairwoman KLOBUCHAR. Senator Padilla?

Senator PADILLA. If I may, look, Senator Hagerty, I appreciate your concern. I think the amendment is off base. As we are deliberating here, it is multiple important perspectives. We are reminded of the law. We are reminded of the perspectives of elections

administrators, candidates, poll workers, et cetera. But let us not forget the most important perspective of all, and that is of the voter.

I think we all learned in high school government class that our democracy works best when as many eligible people participate. Our job is how do we facilitate that. Maintaining the security and integrity of our elections, of course, but maximizing access to the ballot and participation, right? That is the balance we are trying to strike. The reason that I remind us of that, you know, this term, "ballot harvesting," we know is charged.

Here is what is really happening. What options do voters have to be able to cast their ballot? Increasingly, many states are adopting the proven best practices. Yes, for many years, people showed up on Election Day and voted. It is even more convenient when you have multiple days during which you can vote in person. Once upon a time it was excuse needed, and many states had no excuse needed to be able to vote by mail and return your ballot by mail. Some states offer return postage paid for that ballot. All these things that we can do to increase access to participation with the proper protections to maintain the security and integrity of the election.

In California, we did them alright? You can vote early in person. You have flexibility of where you can go vote. You can vote by mail. If after all that—you can even deliver your ballot to a drop box if you were not sure the post office would get your ballot back on time. If after all that, an individual voter chose to have someone assist them in returning their ballot, should that not be the prerogative of the voter to decide for themselves who they trust to help return the ballot?

Maybe it is a family member. Maybe it is a neighbor. What if you live alone? You know, as long as the voter is empowered to decide for themselves, most states that allow for this do have a requirement, as we do in California, that the person assisting the voter also has to sign the envelope of that returned vote-by-mail ballot, along with the relationship to the voter. Is it a friend? Is it a neighbor? Is it a co-worker and whoever it is. This collection of ballots and assisting voters in returning their ballots, if that is their choice, is something that needs to be protected, in my opinion, because that is how we should empower voters and help them participate.

Chairwoman KLOBUCHAR. Senator——

Senator BLUNT. Madam Chairwoman, could I ask——

Chairwoman KLOBUCHAR. Go ahead, Senator Blunt and then Senator King.

Senator BLUNT. Senator, California law sounds like you have done specific things to try to ensure that that person that is given the ballot to transmit or to drop in the mail or whatever is identified. Does this bill do anything similar to that?

Senator PADILLA. Well, when there are limitations on who the voter can choose to help them return their ballot, then that is imposing on the voter, in my opinion.

Senator BLUNT. But in California, do you impose on the voter when you make the——

Senator PADILLA. No, in California, we actually empower the voter to decide for themselves. If they choose—if they decide they need assistance in returning their ballot, they choose for themselves who they trust to help them return their ballots.

Senator BLUNT. Did you not—did you not say that person has to be identified as part of the process?

Senator PADILLA. Yes.

Senator BLUNT. But this bill does not require that kind of identification, correct?

Senator PADILLA. But when you are putting limitations on who it is that can assist the voter in returning their ballot.

Senator BLUNT. No, what I am—what I am asking—maybe I am not being clear here. This does not do anything like the California law that says a person that is given that ballot has to identify who they are.

Senator PADILLA. Correct, but the author of the amendment is suggesting that, well, we do not want campaign volunteers assisting voters in returning their ballot. What I am suggesting is let the voters decide for themselves who they choose and who they trust to help them return their ballot.

Senator BLUNT. Senator Klobuchar, when you mentioned 37 states allowed some kind of ballot collection, was Minnesota one of those?

Chairwoman KLOBUCHAR. I will have to check, but I just—whether we do it or not, I—

Senator BLUNT. Well, I did check.

Chairwoman KLOBUCHAR. Okay. Senator Blunt, the point is, our state has the highest voter turnout in the country.

Senator BLUNT. Well, and they—

Chairwoman KLOBUCHAR. I love our voting laws. There is always ways to make things better, so I do not have a problem with it. I do not think we do have it—

Senator BLUNT. Well, I am going to have an amendment—

The Chairwoman.—but if there—I do not have a problem with it.

Senator BLUNT. I am going to have an amendment later that limits the picking up and returning of ballots to three ballots, which would solve many of the concerns of somebody that has to have someone do that for them. That would happen to be the Minnesota Law, is a maximum of three ballots that could be picked up by any individual. I would be glad to see the California provision also that would—that person would have to indicate somewhere on that ballot who they were that picked up the ballot. But that is not my amendment. My amendment would just limit it to three, though.

Chairwoman KLOBUCHAR. Yes.

Senator BLUNT. I intend to support Senator Hagerty's amendment when it is voted on.

Chairwoman KLOBUCHAR. Got it. Okay. Senator King?

Senator KING. Senator Hagerty, I understand your amendment, and I think the bill—the bill attempts to deal with the issue that you are talking about by clearly saying you cannot pay somebody by the ballot brought in. That is invitation to abuse. Your amendment, though, says you cannot—they cannot be anybody employed by or a volunteer for a political campaign, political committee, or similar organization during the 1-year period ending on the date of

the designation. My problem is the word “volunteered.” Would you consider accepting a second-degree amendment that simply said the ballot has not been employed by a political campaign, political committee, and strike the word “or volunteer?”

Senator HAGERTY. Well, respectfully, I have just come off of the campaign, and our job was to build the biggest field of volunteers that we possibly could. We managed those with paid campaign leadership, and this is opening the floodgates, Senator, to create a ground game. It is all about ballot harvesting. I appreciate the senator from California’s deep experience and perspective on this, but my concern has to do with security.

We talk about access. I am not against access. I want people to be able to vote. But this concerns me greatly because I know the energy that goes into a campaign, and I know what will happen. This will translate into a ground game about ballot harvesting, about hitting the most densely populated areas, what type of help will these voters receive.

Senator KING. But as I—as I read your amendment, you can still have a person bring in an unlimited number of ballots as long as they are not employed by or volunteering in the campaign, right? That is—

Senator HAGERTY. If a person is a family member, a person is a caregiver, that sort of thing, that would be fine, but not a campaign operative, whether they are employed by the hour, which they can be paid by the hour, as a matter of clarity. Whether they are paid by the—by the unit or by the hour, they are still being paid, or, as I mentioned, you can build a whole team of volunteers that report to paid operatives.

Senator KING. Okay.

Chairwoman KLOBUCHAR. I also want to note that nothing in this bill would stop California from requiring that the name—that the ID be known. There is no language that would stop that from happening, or any other state.

Senator PADILLA. I would reiterate, Madam Chair, you want to take the pressure off ballot collection efforts. Let more people vote by mail, provide multiple days of voting in person, provide flexibility of when, where, and how to vote, and people would be less reliant on needing assistance in returning their ballot.

Chairwoman KLOBUCHAR. Okay. Senator Merkley?

Senator MERKLEY. Thank you, Madam Chair. The integrity of the ballot is very important, and that is why this bill says that if you collect the ballot, it has to be sealed. Now, in some states, you have to sign your signature on the ballot across that seal, which some states choose to do that, some states do not. Those are commonsense ways to make sure that what happened in North Carolina does not happen. What happened there is—it was not a problem with somebody collecting ballots and turning them in. It was collecting unvoted ballots, unsealed ballots, voting the ballots, multiple felonies. Every single time that was done in that operation, it was a—it was a felony. Vigorous prosecution and application of the law, as well as simple things that states could adopt beyond the requirement to be sealed.

You know, it is—in my state, because we have had vote by mail for a long time, it is not unusual for groups to get together and dis-

cuss issues, vote those issues and have somebody go turn in those ballots, including for churches, to do this. I think under freedom of association, that beautiful concept embedded in our Constitution, if a person wants to have somebody carry their ballot and drop it off with proper protections, like the envelope has been sealed, with a signature that matches the signature database to make sure it is secure, that we should not take that fundamental right away. I am not even sure the courts would sustain this unless there was evidence that it was addressing a critical flaw.

When we look at states like Oregon that have vote by mail, Utah that has vote by mail, we simply have not seen this be a problem. We have seen this one case in North Carolina, and the prosecutions followed and the re-vote occurred. But the answer to those felony crimes in North Carolina is not just strip the right of association away from voters who want to enable someone else to drop off their ballot.

Chairwoman KLOBUCHAR. Senator Cruz?

Senator CRUZ. Several senators have made reference to the integrity of elections. I want to—I want to commend Senator Hagerty for this amendment. I think it is a very good amendment, and I think if members of this committee are concerned about the integrity of elections, you should vote in favor of it.

Ballot harvesting is a particularly corrupt practice. There is a reason that 31 states restrict or prohibit ballot harvesting. Experience has shown that when paid operatives for a political party go and handle the ballots of other people, that it invites fraud. Numerous Democrats on this committee and many of their spokespeople in the media say fraud never occurs. Well, I can tell you of a case that is pending right now in the State of Texas of a woman who was indicted on over 100 counts of voter fraud, for working in a nursing home and collecting ballots from residents of that nursing home, some of whom were alleged to be not competent to cast those ballots. One of the reasons you do not want a paid operative for the DNC or RNC going to a nursing home is there are some people that are no longer in a position to be able to make a choice, but an unscrupulous operative can put the ballot in front of them and can have them cast the vote whichever way they are paid to have them cast the vote.

Not only that. There is a second avenue for the theft of votes, which is, if you have an unscrupulous operative on the payroll of a political party, if you do have a resident, say, in that nursing home cast a vote in a way they do not like, there is nothing to prevent them from taking that vote and throwing it in the trash and saying, no, sorry, you voted for the wrong guy, so your vote will never be submitted. I am only going to submit the votes that vote for the candidate I am favoring.

I would point out that when it comes to ballot harvesting, this is not just me saying this. I want to read to you a quote: “State and local jurisdictions should prohibit a person from handling absentee ballots other than the voter, an acknowledged family member, the United States Postal Service, or other legitimate shipper or election officials.” It—and I want to continue to read: “The practice in some states of allowing candidates or party workers to pick up and deliver absentee ballots should be eliminated.” Now, based

on the discussion here, that was clearly the ranting of some right-wing voter suppression individual. That actually is a quote from the Carter-Baker Commission, chaired by Democratic President Jimmy Carter, that identified—in fact, let me continue the Carter-Baker Commission, what they said about ballot harvesting. “To reduce the risk of fraud and abuse in absentee voting, prohibit third party organizations, candidates, and political party activists from handling absentee ballots.” That is the recommendation of the Carter-Baker Commission.

Now, unless the Democrats on this committee want to assert that Jimmy Carter is a secret undercover Republican engaged in voter suppression, I would suggest you should listen to that recommendation.

One of the reasons why I and so many others are calling this bill the corrupt politicians act is the recommendations of the Carter-Baker Commission that concluded voter fraud is real, it is a problem, it has affected the outcome of elections. There are a series of recommendations from the Carter-Baker Commission on how to reduce voter fraud. This bill, the corrupt politicians act, ignores every one of them and, in fact, expands the practices that President Jimmy Carter identified as contributing to fraud. If we care about the integrity of elections, then we should not disregard the written recommendation of Democratic President Jimmy Carter. We should not encourage paid operatives, and whether they are paid by the ballot or simply paid a salary to go in and collect ballots, it is inviting fraud.

If Senator Hagerty’s is amendment is rejected, that will mean this committee is looking at the recommendations of President Carter and concluding we want to do the things that will increase fraud and undermine the integrity of elections. I think that is a bad idea.

Chairwoman KLOBUCHAR. Okay. Anyone else?

[No response.]

Chairwoman KLOBUCHAR. Can we vote on the amendment?

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Chairwoman KLOBUCHAR. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Votes yes.

The Clerk. Senator McConnell?

Senator McCONNELL. Aye.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Next up, I think Senator Ossoff? Yes.

Senator OSSOFF. Thank you, Madam Chair. I would like to call up Ossoff Number 1, please, and invite what I hope will be a good faith discussion of what I think is a commonsense amendment to this legislation intended to ensure that voters who are made to wait in lines at polling places have access to water while they do so. This is a very simple measure, and it would incorporate in the underlying bill a bill that Senator Warnock, also of Georgia, and I introduced earlier this week called the Voters Access to Water Act.

Just to set the table, and I know there has been a lot of discussion about the Georgia law, and rather than engaging in the broader debate about all of its provisions, I want to focus us in on one that I believe merits clearly this remedy from the United States Congress. It is now in Georgia a crime punishable by up to a year in jail to hand a bottle of water to a voter while they wait in line to vote. I am talking about a Good Samaritan volunteer who is already prohibited by Georgia law from engaging in electioneering or political advocacy or any kind of campaign activity near a polling place, but who is there to offer a bottle of water or a protein bar to a voter who is waiting in line.

The reason that this is so particularly important, at least in Georgia, is that we have been plagued in recent elections by multi-hour lines, sometimes 5-, 7-, or 10-hour lines, in which thousands of voters have been forced to wait. I had a conversation last year that I recall vividly with a home caregiver for an 87-year-old woman who had not received her absentee ballot in the mail timely and so had gone to vote on Election Day. We are talking about loading up oxygen tanks, taking a wheelchair to the polling place, and she had to wait many hours to vote with periodic rain. Under the new Georgia law, and, again, let us talk about this specific provision of the new Georgia law, it would be a crime, again, punishable by up to a year in jail, for a Good Samaritan volunteer to offer that senior citizen, who is waiting in line to vote, a bottle of water or a snack.

Let me be very, very clear because, you know, one of the things I have observed in my short time in the Senate is that we are somewhat plagued by a presumption of partisan bad faith. You see that in a lot of the discussions that we have had today. It is already against the law in Georgia and, I believe, in every state to campaign or engage in political advocacy or electioneering, or to wear campaign merchandise, or to have conversations with voters in line about who they might vote for. That is already a crime. Indeed, my amendment includes a finding—the first finding of this amendment that states have a legitimate interest in prohibiting electioneering at or near polling places, and each state has some form of restriction on political activities near polling places.

My amendment, while it prevents states from imposing restrictions on the donation of a bottle of water or a protein bar or basic sustenance to a voter waiting in line, it includes a specific exception, again, stipulating that a state may require, and, in my view, they should require persons distributing food or non-alcoholic beverages at or near a polling location for a Federal election from refraining in political or electioneering activity.

If I can beseech my Republican colleagues to suspend for a moment the reflexive tendency to presume the worst, and instead hear what I am telling you about the experience of voters in Georgia, who often have to endure these long waiting periods, and know that there are good people motivated by good faith commitment to our democracy who want to help folks out who are wrapped around the block for 3 or 4 hours, by offering them a bottle of water or offering them a protein bar, that this should not be a crime punishable by up to a year in jail. Putting the partisan politics aside, this is a clear example of overreach by the state legislature and exactly the kind of moment where we should exercise our constitutional authority to establish regulations around Federal elections. I am happy to entertain any questions on the measure and humbly urge a “yes” vote. Thank you.

Chairwoman KLOBUCHAR. Discussion on the amendment? Anyone? Alright. Oh, Senator Cruz.

Senator CRUZ. I will just make a brief observation to the senator from Georgia, which is the senator from Georgia called for not presuming the worst in the opposing party. I will point out, at least at this markup, every single Democrat on the committee has voted against every single Republican amendment that has been proffered. Numerous Republicans have voted for Democratic amendments. The protestations of accepted on face value would have—would resonate more if there was even one Democrat willing to break from the herd. I would note that is not just true on this committee. Every single Biden nominee that has been put forward, including some very radical nominees, every Democratic member of this committee has happily voted for them. Well, I cannot speak to happily, but they have voted for them whether they were happy about it or not.

When it comes to standing up to your own party, I can tell you something that I have urged numerous colleagues, is it is not the end of the world—as Senator McConnell will attest, I am not shy about standing up to my own party, sometimes to great consterna-

tion from my colleagues. Yet, for some reason, the Democrats seem unwilling to do the same.

Senator OSSOFF. Well, if I might, Senator, and I appreciate the sentiment, and, as I mentioned in discussion with Senator Capito earlier, I know that Senator Capito has an amendment that I am likely to support, and I have identified several Republican amendments that I intend to support during this markup. But I appreciate your appeal to our higher angels, and, yes, we should come together more to pass commonsense, good public policy. I hope that you will consider this amendment, which, again, simply allows those Good Samaritan volunteers to hand someone a bottle of Crystal Spring.

You guys, no one is changing their vote after they wait 2 hours in line to vote because someone handed them a bottle of water. This is not about politicking at polling places. That is already illegal. This is about making sure folks, especially seniors, do not faint, or suffer a diabetic episode, or suffer from dehydration because they have been made to wait too long to vote. Thank you.

Chairwoman KLOBUCHAR. Thank you. I would add, just to reiterate what Senator Ossoff said, there are a number of Republican amendments that we support, including one, Senator Cruz—Senator Cruz, we support one of your amendments, I believe, and so I will tell you which—what it is in a moment. But you just have not called up the amendments for which we could find bipartisan support, and I think we are doing that, so hopefully we can get to a little more parity here. Anyone else?

Senator BLUNT. I do.

Chairwoman KLOBUCHAR. Go ahead.

Senator BLUNT. Senator, I appreciate the spirit of what you are offering here. I actually think this is exactly what is wrong with the whole bill, though, that in Washington, DC, in the United States Senate, we would be deciding at a local election the circumstances under which someone could get food and water. That is what is wrong with this bill. I think every state, at least, you know, like all of us, I am more familiar with my state law than any other. But every state has gone to the kind of lengths that you suggested Georgia has where you cannot wear a tee-shirt with a campaign slogan on it. You cannot have a button on near the polling place. I know in our state, at one time the law said you could not electioneer—we are all familiar with that term—within 100 feet of the polling place. Well, we had some polling places where the polling place was 100 feet inside the building, so we changed that law to where it was 25 feet from the outside door. I mean, that should not be a Federal determination, how many feet from the outside door or what is electioneering.

You know, if I would have been in line for 4 hours and I had no strong feeling about the sheriff's race, and somebody comes up with a bottle of water and said, enjoy the water, I am just here today because I care about my cousin who is running for sheriff and mentions his name, it might have some impact on me. We have gone to great lengths not to let that sort of thing happen in our various states. My sense should be that this is exactly what is wrong with this bill, that we would have a food and water amendment. By the way, what does that mean? Does that mean a—who knows? I

mean, you mentioned a protein bar? Is that the next thing we do, determine what food is food?

Now, the Georgia law in your state specifically says that the election officials can accommodate water, I assume, if you have those lines. By the way, I think in your state, the longest lines were in just a few polling places that would open up two weeks before the election. Your polling places not designed to handle the Election Day traffic had the longest waits in 2020. I just do not think this is our job. I am not opposed to people getting food and beverages at some point, but I have a hard time imagining that there is some totally neutral individual who organizes providing food and water to people at the polling place without some motive of wanting to express their own view of democracy, or politics, or candidates.

I just do not think this is a matter for the Federal Government. That may reflect my opposition to the law generally more than your specific amendment, but I will vote against this amendment. Later when—I am glad to explain, too, why I think that this is not the business of the Federal Government. When I am asked, why did you vote against ensuring that people could have water at the polling place given by whoever wants to give it to them, I think I could take that debate on.

Chairwoman KLOBUCHAR. Senator Merkley?

Senator MERKLEY. Thank you. Senator Ossoff, I just wanted to clarify, in your Section 317, Subsection B, “Exception,” “A state may require persons distributing food and non-alcoholic beverages at or near a polling location to refrain from political or electioneering activity.” You noted it already is law in most places, but you are affirmatively saying that that is permitted. The floor here is that if you end up in a situation where an election jurisdiction did not have the staffing, or did not have the machines, or the machine broke down, or there is an unexpected high turnout and people are waiting for hours, because the goal is to have short wait times. But in—but in those conditions where that fails, it is a humanitarian sense that people, the Good Samaritans, as you put it, should be able to enable people so they can stay in line and get to cast their vote. That, of course, is the underlying goal here, enable people to cast their vote.

Am I reading this correctly? You still allow affirmatively that states have full authority to allow restrictions on electioneering?

Senator OSSOFF. Of course, and I support those restrictions, and I think we all do. Just to respond briefly as well to the Ranking Member’s comments, and I appreciate them, Article I, Section 4 clearly gives Congress this authority. In a case where there is such a drastic overreach by a state legislature, be it Republican or Democrat, again, it is now punishable by up to a year in jail for a volunteer, who is already bound by law not to be campaigning. The example that you cited, if someone mentions a candidate, that would be a crime. That would violate the law, as it should.

In Georgia, you are subject to up to a year in jail for handing a bottle of water to a senior citizen who has been made to wait 5 or 7 hours to vote, and the facts are people leave the line because they cannot withstand this. People who have blocked time out of their schedules because they are excited to participate in our democracy and make their voices heard, affiliated with both parties

or independent, leave line, pass out, have health problems because folks cannot withstand 5 or 7 hours standing in line without some basic sustenance.

I think it is squarely within our constitutional prerogatives clearly under Article I to take this step to establish the basic principle that Good Samaritan volunteers, not engaged in political activity, should be able to provide some basic sustenance and water to voters who are waiting in line. I appreciate the Ranking Member's admonition that he will not be supporting the amendment, but as Senator Cruz said, it is up to each senator as an individual to vote their conscience.

Senator MERKLEY. Senator, thanks for answering that question. I was thinking about my son's graduation from high school, and it ended up being a massive line. My brother-in-law is diabetic, and because we had not anticipated this long line, I had to do an emergency run to get—to get food for him to help him balance his sugar, which was approaching a crisis condition. You mentioned Samaritan. You know, I was raised on the principle of the Good Samaritan that when you see a person in need, you do not cross the road and proceed, you help address it. To me, you have created the appropriate balance. You have addressed the electioneering part, but you have also said we are human beings who see other human beings in need. We should—we should act to assist them, and this certainly gives permission to act to assist them with food and water, and I thank you for your amendment.

Chairwoman KLOBUCHAR. Okay. Ready for a vote.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator King?

Senator KING. Aye.

The Clerk. Senator Merkley?

Senator MERKLEY. Aye.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. Aye.

The Clerk. Senator Blunt?

Senator BLUNT. Votes no.

The Clerk. Senator McConnell?

Senator McCONNELL. No.

The Clerk. Senator Shelby?

Senator BLUNT. No by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. No.

The Clerk. Senator Capito?

Senator CAPITO. No.

The Clerk. Senator Wicker?

Senator BLUNT. No by proxy.

The Clerk. Senator Fischer?

Senator FISCHER. No.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. No.

The Clerk. Senator Hagerty?

Senator HAGERTY. Nay.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. Aye.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. With a tie vote, the amendment is not adopted.

I know Senator Cruz has an amendment, but I think that Senator Capito has not done an amendment yet, right, Senator Blunt?

Senator CAPITO. Thank you. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Okay.

Senator CAPITO. I just wanted—

Chairwoman KLOBUCHAR. Go ahead.

Senator CAPITO. Excuse me. Go?

Chairwoman KLOBUCHAR. Go.

Senator CAPITO. I just wanted to clarify on part of my opening statement here. The chair mentioned that the substitute would have reinstated that, but there is a bit of a discrepancy, at least as far as we read it. We believe that our military voters would still have been disenfranchised because it only would have allowed e-voting if the ballots were mailed late by the Secretaries of State. My amendment would—this amendment that I am going to put forward would strike all of those limits on e-voting.

I offer an amendment to strike Section 1706 of Section 1. Section 1706 directly targets an extremely successful program in West Virginia that expanded the franchise to our brave overseas servicemembers. I talked about it earlier. It allows them to e-vote. My amendment would strike the requirement that voters return their paper ballots by mail and allow my fellow West Virginians to continue using the e-voting when they are fighting for our freedoms around the world. West Virginia has one of the highest per capita rates of military service in our Nation, and I am disappointed that S. 1 would impede deployed West Virginians and Americans from participating in our democracy in the easiest way possible. I am proud of our state's pioneering spirit and pioneering efforts in e-voting and I am proud to stand with our troops in offering this amendment.

Chairwoman KLOBUCHAR. Thank you very much, Senator Capito. As I noted, I support this amendment and this pilot program. I do think we want to be careful overall. I think everyone knows this with online voting, and it is incredibly important that we have ballots that voters can verify. We know there are circumstances that does not—do not allow for that right now, and so that is why I do support this amendment. Senator Merkley?

Senator MERKLEY. Thank you, Senator, and I will be supporting your amendment. But I do want to note that in conversations with election officials around the country, there is a lot of concern about hacking of electronic voting and the ability to recount accurately. I think the pilot project makes sense, but we have to have an all-out effort to develop the standards to avoid hacking, to protect

against Russia, North Korea, whomever would do us ill and want to—want to intervene. I support your amendment, but with the— with the caveat, I also really support aggressive efforts to make sure that we are doing everything possible to establish the ability to have a system to recount those ballots, which I am not sure what that is, and to prevent those who would do us ill from hacking our election and undermining our confidence in the outcome.

Chairwoman KLOBUCHAR. Thank you very much. Very good. Any other discussion?

[No response.]

Chairwoman KLOBUCHAR. Alright. The clerk will call the roll.

Senator BLUNT. Voice vote.

Chairwoman KLOBUCHAR. Voice vote. Excellent. Okay.

All in favor?

[Chorus of ayes.]

Chairwoman KLOBUCHAR. All those opposed?

[No response.]

Chairwoman KLOBUCHAR. The amendment passes. Congratulations, Senator Capito.

Next up, Senator Merkley.

Senator MERKLEY. Thank you, Madam Chairwoman. I will call up Merkley Number 2 that addresses Section 1502. This particular amendment that, I think, is being distributed right now, is a sense of Congress, and it comes from our conversations with the communities, the nonprofits, the experts that work with individuals with disabilities. It—we are noting here, or I am noting, that the bill includes \$10 million to continue research and development with a focus on voter accessibility, and that we as congressional members are putting forth the premise, not as a point of law, but as a sense of Congress, that it is our intention to keep working to have the very best standards for accessibility and security for individuals with disabilities.

Chairwoman KLOBUCHAR. Is there discussion on the amendment?

[No response.]

Chairwoman KLOBUCHAR. Give people a chance to look at it. Okay. Do you want to have a vote?

Senator MERKLEY. I would be happy with a voice vote.

Chairwoman KLOBUCHAR. Okay. Voice vote okay?

Senator BLUNT. Yes.

Chairwoman KLOBUCHAR. Okay. Alright. Everyone?

All in favor?

[Chorus of ayes.]

Chairwoman KLOBUCHAR. Opposed?

[No response.]

Chairwoman KLOBUCHAR. Okay. The amendment passes. Congratulations, Senator Merkley.

Senator Cruz?

Senator CRUZ. Thank you, Madam Chairwoman. I wanted to, before calling one up, I wanted to inquire of Senator King. Earlier when we were debating Senator Hagerty's amendment, Hagerty 14, you asked if he would accept as a friendly amendment deleting the "or volunteered." I wanted to inquire if we were to accept that as a friendly amendment, would Senator King vote for the amendment?

Senator KING. Yes.

Senator CRUZ. Well then, I would like to call up Hagerty Number 14, as modified by the friendly amendment suggested from Senator King, and I have discussed this with Senator Hagerty, who agrees. This would be an improvement.

Senator HAGERTY. I concur.

Chairwoman KLOBUCHAR. Do you want to bring up the amendment then? Do you have a—

Senator CRUZ. Hagerty 14.

Chairwoman KLOBUCHAR. Mm-hmm.

Senator CRUZ. What Senator King offered is to delete “or volunteered”——

Chairwoman KLOBUCHAR. A second-degree—Senator Cruz, I am sorry. I should have—a second-degree amendment has to be submitted in writing, so if you want to do that while we are—Senator Fischer has an amendment, we could do that and then come back, alright?

Senator CRUZ. Okay.

Chairwoman KLOBUCHAR. Senator Fischer?

Senator FISCHER. Thank you, Madam Chair. I would like to call up Fisher 3, please.

Chairwoman KLOBUCHAR. Fischer 3?

Senator FISCHER. Madam Chair, this would make members of the 117th Congress ineligible for the public financing of campaigns established under Title V of S. 1. The Federal Government should not subsidize congressional campaigns, let alone campaigns of sitting Members of Congress. While I do not support taxpayer funding of politicians with this 6-to-1 government match for contributions of up to \$200, the least we can do is make absolutely sure that no one in this room can benefit off the legislation we are currently debating. My amendment adds language to ensure no current Members of Congress benefit from this program, and I encourage my colleagues to support the adoption.

Chairwoman KLOBUCHAR. If I could make clear. No current members personally benefit from this bill in any way. This is about the campaigns of Members of Congress is what it is.

Senator FISCHER. My amendment would disqualify sitting Members of Congress from taking advantage of public financing of their campaign should this legislation pass. Members. It was Members of Congress.

Senator KING. I would just note the amendment says a candidate for senator——

Senator FISCHER. This is—right.

Senator KING. What the bill says.

Senator FISCHER. That is what the bill is.

Senator KING. Well, I am confused. Would this apply to members of the House as well as members of the Senate, or just the Senate?

Senator FISCHER. It would——

Senator KING. It appears to be just the Senate.

Senator FISCHER. It would just be the Senate.

Senator BLUNT. If I could clarify, I think our bill only has the Senate and the President in it, and their bill has House members and not senators in their public financing.

Senator CRUZ. But I am assuming, Senator Fischer, particularly if it would get your vote, would happily add House members to the prohibition.

Senator FISCHER. I would be happy.

Senator KING. That was not a commitment. That is a question. [Laughter.]

Chairwoman KLOBUCHAR. Okay. Are we ready for a vote on this?

Senator BLUNT. Sure.

Chairwoman KLOBUCHAR. Okay. Clerk?

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. Senator Feinstein, no by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Votes yes.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 yeases; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted. Senator Hyde-Smith?

Senator HYDE-SMITH. Thank you, Madam Chairwoman. I want to call up Amendment Number 12, Hyde-Smith Number 12. What it does, the For the People Act requires states to permit sworn statements in lieu of showing voter ID at the polls. This effectively undermines all state voter ID laws that I worked very hard on in Mississippi. This amendment would do three specific things. Number

one, it would amend the law so that any vote cast with a sworn statement instead of with a voter ID would be considered a provisional ballot. This is consistent with Mississippi law where voters without ID can instead cast a provisional ballot. Number two is to add findings of the constitutionality of voter ID laws, and Number three, add findings about public polling on the popularity of voter ID laws.

Section 1903 of the For the People Act undermines the voter ID laws that are on the books in 36 states, in both Democrat and Republican states. It would effectively revoke all voter ID laws in the country by requiring states to accept a sworn written statement in lieu of voter ID at the polling place. This amendment would require any ballot cast without meeting state voter ID requirements to be considered provisional. This would permit states like Mississippi to continue to enforce their voter ID laws, which have been proven successful in preventing fraud, and promoting the integrity of elections.

Furthermore, this amendment would add important findings regarding voter ID. The constitutionality of that is Supreme Court found in a 6-to-3 decision in 2008 in the case, *Crawford v. Marion County Election Board*, that voter ID is completely constitutional. Justice Stevens, who is considered a liberal on the Court, said the voter ID laws are not discriminatory, and that the laws help states promote their interest in deterring and detecting voter fraud. Voter ID has resounding public support. Polls consistently show broad majorities, including majorities of both political parties, support voter ID laws. A recent AP poll found that nearly three-quarters of all Americans support voter ID.

Voter ID does not keep legal voters away from the polls, and virtually everyone of voting age already has an ID, and for those who do not, every state with an ID requirement issues a free ID to anyone who needs one. This is the law of the State of Mississippi where our Secretary of State has not only helped anyone who needed to get an ID, but also helped coordinate rides and other assistance to ensure voter ID did not require any legal voter to stay away from the polls, and this data bears out.

Voter ID does not impact voter turnout. Studies have shown that voter ID is adopted—voter ID turnout does not decrease. Voter turnout does not decrease. In fact, Mississippi voter turnout has actually increased since we adopted voter ID. Voter ID is constitutional, popular, and does not hold any legal voter back from the polls. Instead, voter ID functions to ensure that nobody is voting illegally, and I ask the committee to support my amendment.

Chairwoman KLOBUCHAR. Senator Merkley?

Senator MERKLEY. Thank you for presenting this amendment for discussion, and it is often the claim made that voter ID laws combat voter fraud. That has been studied time and time again and found that there basically is not voter fraud. Earlier in this markup, we invited a member of the committee to submit information on such voter fraud across the country, and the committee did not receive any such information. The Brennan Center found that photo ID laws are effective only in preventing individuals from impersonating other voters at the polls, an occurrence more rare than getting struck by lightning.

What we do know is that voter ID laws disproportionately impact Americans of color. Of voting-age citizens in the United States without a current photo ID, 25 percent are black compared to 8 percent who are white. While this type of racial bias may not be the intent of the voter ID laws, it is the impact of them. I would also note that we really create a balanced position in the underlying law because it does not restrict states from having voter ID laws. It simply says if you get to the poll and you do not have one, you can sign a form that is a certification of your—that you are, in fact, eligible to vote. That certainly creates a very strong, powerful affirmation because, as we already know from the studies that have been done, people do not assert that they are citizens, certainly not in a document signing it on voting day while at the poll, unless they are eligible to vote, because to do otherwise is a felony.

The underlying law has a very good, balanced remedy that leaves voter ID laws in place while addressing the fact that we do not want to engage in creating systemic racial bias or impact on voters because the freedom to vote and the right to vote belongs equally to every American citizen.

Senator HYDE-SMITH. I do not agree with you.

Senator MCCONNELL. Madam President?

Chairwoman KLOBUCHAR. Senator McConnell?

Senator MCCONNELL. If I may, since we are discussing voter fraud and the suggestions our friends on the other side of made that this is kind of a non-existent problem, I do think it is worth noting that in my state, in 2014, we had three people convicted of vote buying and fraudulent use of absentee ballots, since 2010, 16 convicted of vote buying, and since 2010, three convicted of ineligible voting. I just want to make the point that when we are talking about fraud, it is not the fact that this is a non-existent problem. I do not think that anybody on our side has been arguing that it is pervasive all over the country, but that does not mean that commonsense measures, like the measure of the senator from Mississippi, do not make good sense.

Chairwoman KLOBUCHAR. To respond to that, we know how exceedingly rare this fraud is, and what I am concerned, as someone that once enforced the election laws in my county and got—the Secretary of State would refer all of these potential cases to us, and nearly every single one of them was a father and son with the same name. I was happy to have an investigator review every single one. I think we had one incident of someone who voted twice because of a school board line going through their house, and I did not mind doing that. That is our job. You investigate these cases. But I did not—I do not think that that excuse of fraud should be used to make it hard for everyone else to vote because as long as you have a check and balance, and increasingly we have a better check and balance with records and things, a check and balance to investigate any claims of fraud, I do not think you need to make it harder for people to vote. Yes, Senator Cruz?

Senator CRUZ. Madam Chairwoman, this is another provision that shows just how to—how out of touch and extreme this legislation is. The vast majority of Americans support voter ID law. I commend Senator Hyde-Smith for this amendment. Seventy-five percent of Americans support requiring a photo ID for voting, and,

by the way, that is bipartisan. Sixty percent of Democrats support requiring photo ID to vote. Seventy-seven percent of Independents support requiring photo ID to vote. There are 29 states that have enacted that, including the State of Georgia, and this legislation strikes down all 29 of those laws and makes it illegal to require photo ID to vote.

By the way, you need a photo ID to drive. You need a photo ID to get on an airplane. You need a photo ID to get married. You need a photo ID, if you are young, to go to an R-rated movie. You need a photo ID to buy a beer, and you need a photo ID to pick up your tickets at the will call window of a baseball game. Yet the position of Senate Democrats is those 75 percent of Americans are wrong and no photo ID should be required. Let me point out also that the vast majority of voters have IDs. A 2017 University of Houston study found that “virtually all registered voters in Harris County and CD-23 who did not participate in the November 2016 election, possessed one of the state-approved forms of photo ID needed to cast a vote in person.” I am Hispanic. Somehow I managed to figure out how to get a driver’s license, and, in fact, I think it is a condescending approach of some Democrats to say minorities cannot figure out how get a photo ID. It is striking.

The Chairwoman said a minute ago that voter fraud is exceptionally rare. That is an ahistorical position. We have seen voter fraud as a persistent aspect of our elections. The State of Texas, going back to LBJ’s election in Duval County and the magic box of ballots that showed up at the end, the 1960 Presidential election, Cook County and JFK, voter fraud has been a persistent aspect of our history. What is striking is it is not just Republicans saying this. It is the Carter-Baker Commission. The Carter-Baker Commission, as I said, was chaired by Democratic President Jimmy Carter.

Here is what Democratic President Jimmy Carter—here is what the commission he chaired said: “The electoral system cannot inspire public confidence if no safeguards exist to deter or to detect fraud or to confirm the identity of voters. Photo identification cards currently are needed to board a plane, enter Federal buildings, and cash a check. Voting is equally important.” Jimmy Carter was not being racist when he recommended adopting photo ID to vote. The 29 states, including the people of Georgia, were not being racist when they required photo ID to protect against voter fraud.

It is almost as if Senate Democrats looked at the recommendation of Carter-Baker in terms of how to fight voter fraud and inverted them all, reversed them all, and said, how do we get more voter fraud. Let us do more of that. Let us do ballot harvesting. Let us get rid of photo ID. This is contrary to the views of the vast majority of the American people, and it is contrary to any effort to ensure the integrity of election.

Senator MCCONNELL. Would the senator from Texas yield for a question?

Senator CRUZ. Certainly.

Senator MCCONNELL. As a former Supreme Court clerk yourself, am I not correct that the Supreme Court has actually taken this issue up, the United States Supreme Court? What did they say?

Senator CRUZ. Senator McConnell is correct. The State of Indiana was one of the first states to pass photo ID for voting. That

was challenged by a number of plaintiff groups heavily affiliated with Democrats. They brought a challenge saying that it was discriminatory. They brought many of the same arguments Senator Merkley made a minute ago suggesting that it discriminated against minorities. That case went up to the United States Supreme Court. At the time it did, I was the solicitor general of the State of Texas, and so I led a coalition of states, Texas and a number of other states, defending Indiana's photo ID law.

The Supreme Court, by a vote of 6-to-3, upheld Indiana's photo ID law. The majority opinion was written by Justice Jon Paul Stevens, one of the most renowned liberals on the Court. Justice Stevens, for a six-Justice majority, wrote an opinion explaining that voter fraud is a real problem. It is a persistent problem, and, indeed, describing how the data show that photo ID laws, rather than suppress the vote, actually increase turnout and increase the confidence that voters have that their votes will be counted. I would note that often the victims of unscrupulous ballot harvesting, of theft of votes, are African-American or Hispanic low-income voters. The Supreme Court upheld it as protecting our right to vote, which means what this bill does right now, without Senator Hyde-Smith's amendment, undermines our right to vote because it encourages voter fraud. No one in this body should be encouraging voter fraud.

Senator MCCONNELL. Would the senator yield for a further question?

Senator CRUZ. Of course.

Senator MCCONNELL. It is my recollection—correct me if I am wrong—that Justice Stephen Breyer, one of the foremost liberals on the current Supreme Court, also voted in the majority. Do you remember?

Senator CRUZ. I will confess I do not remember how Justice Breyer voted in that case.

Senator MCCONNELL. Let us get somebody to check.

Senator CRUZ. I am getting a nod from your staff, so I am assuming the answer is "yes," but I cannot independently confirm that.

Chairwoman KLOBUCHAR. I just would again note 16 states do not require voters to show ID to vote. Many more offer exceptions to voters who cannot produce a required ID. Other states, like Nebraska and Iowa, permit voters to verify their identity without showing a photo ID with things like a sworn affidavit, having someone attest to their identity, or verifying their address. Senator King?

Senator KING. As I understand the provision of the bill, in order to vote without an ID, you have to submit a sworn statement under penalty of perjury that you are who you are and that you are eligible to vote. Is that correct?

Chairwoman KLOBUCHAR. That is correct.

Senator KING. A person who submits such a statement and is found ineligible would be guilty of a serious crime. Is that correct?

Chairwoman KLOBUCHAR. If they—if they vote.

Senator KING. Right.

Chairwoman KLOBUCHAR. If they illegally vote, yes.

Senator KING. My other question is to the proponent of the amendment, as I understand your amendment, it says that if you

submit a sworn statement and vote, your vote is then treated—"shall be treated as a provisional ballot." I guess my question is, what happens then? What happens? It goes into a separate pile of provisional ballots which can then be either affirmed or—I mean, walk me through what happens.

Senator HYDE-SMITH. In Mississippi, that voter has 5 days to come in and to show the voter ID so their ballot would count.

Senator KING. Your amendment would mandate "shall be treated." Everyone who uses this technique, everyone would have to be a provisional ballot, so then they would have to come in within 5 days. Is that—that is the import—

Senator HYDE-SMITH. Correct, and the official poll workers can also validate that that is the person through other sources as well.

Senator KING. Okay. Thank you.

Chairwoman KLOBUCHAR. Okay. Are we ready to call this one for a vote?

Senator BLUNT. Yes.

Chairwoman KLOBUCHAR. The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Votes yes.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

There is a vote going on. I know that Senator McConnell also has an amendment. We could quickly do that and then maybe take a 20-minute recess so we could all go vote.

Senator MCCONNELL. Thank you, Madam Chairwoman. I call up my Amendment Number 2.

Chairwoman KLOBUCHAR. Okay. Do we want to distribute Number 2?

Senator MCCONNELL. This bill is riddled with different efforts to give Washington more control and more power over the free speech of American citizens, which, of course, has nothing to do with voter participation. Some of this is overt. S. 1 would give the newly partisan FEC major new authorities to police the First Amendment speech of citizens and groups far above and beyond the regulations that are already in place. A lot more speech would get swept under this umbrella.

There are also efforts to chill free speech that are more indirect, but still censure. Our Nation has a long and important history with the subject of associational privacy. The idea is that Americans are free to form private groups around their interests and around their values, and neither nosy neighbors nor nosy bureaucrats are entitled to know who believes what, unless individuals choose to go public. The most famous case in this area is the 1958 case. The NAACP took this issue all the way to the Supreme Court and won a landmark case against the State of Alabama.

For more than 60 years, folks understood that when the government tries to force private organizations to publicize their supporters, the First Amendment is the biggest loser. Our current hyper-politicized climate is the last time we can afford to forget these lessons. In a world where Americans with unfashionable views are subjected to online harassment, where strangers come after people's employment for expressing views, the same privacy rights the NAACP fought for 60 years ago are paramount. That is why my first amendment on privacy concerns with so many parts of this bill have been echoed by folks that might surprise our colleagues on the other side.

In a recent Washington Post op-ed, lawyers from the liberal American Civil Liberties Union warned that aspects of the bill before us, "could directly"—directly—"interfere with the ability of many to engage in political speech about causes that they care about and that impact their lives." My amendment would cut pieces of this legislation that are designed to directly increase government power over America's free exercise of speech and indirectly chill that exercise. It cuts out invasive disclosure requirements that attack citizens' privacy, the expanded FEC jurisdiction and the broad new categories of speech, and the provision designed to let Federal authorities, like the IRS, target political organizations they do not like for undue scrutiny. For all of those reasons, I would encourage support of my amendment.

Chairwoman KLOBUCHAR. Thank you, Senator McConnell. I just—I want to note that this amendment would strike all of the major campaign finance provisions in this bill that would limit secret money in our elections, and it would strike the essential com-

ponent of a very important bill, the Disclose Act, which would end secret money in our elections by requiring advocacy organizations engaged in political activity to disclose donors who contribute more than \$10,000. I think people should know that. It would also strike the bipartisan Honest Ads Act that I introduced with Senator McCain, and then later Senator Graham as well as Senator Warner nearly 4 years ago, that would shine a light on the secret and foreign money that is being used to buy online political ads.

The goal of the Honest Ads provisions is simple: bring our laws into the 21st century. We literally have social media platforms that are getting paid for running ads, and they do not have to put on disclaimers—disclosures, and in fact, other forms of media do. I think that is wrong, and so that is why this is a very broad amendment that really gets to the gut of a lot of the campaign finance provisions that are so important for Americans.

Senator McCONNELL. I would just say, Madam Chairwoman, this is completely unrelated to voter turnout. This is about turning the Federal Government into the speech police getting to decide who speaks and when. The disclosure tool that the State of Alabama tried to use against the NAACP back in 1958 is exactly what is at the heart of this. They want to intimidate people into shutting up, and so I think this is about core First Amendment political speech. I would urge the support of my amendment.

Chairwoman KLOBUCHAR. Anyone else like to speak or should we go for a vote on this?

Senator KING. I am ready to vote, but, Senator McConnell, I would distinguish between the NAACP case and election-related speech. I do not think anonymity is a free speech right in terms of elections. It is not about protecting people's identity. It is about allowing the voters to know who it is that is trying to influence their vote by the expenditure of millions of dollars. If your theory was correct, then all of the campaign finance requirements of disclosure, which apply to all of us, would also be—would also be cast out. Why is it that someone has to, if they give \$200, they have to be fully disclosed, but if they give \$2 million to an organization that provides advertising within the context of a political campaign, they are immune? I do not—I do not think this is imposing on anybody's right to free speech. They can do—they can say whatever they want, but the public has a right to know who it is that spending that money in order to influence—

Senator McCONNELL. I would say to my colleague from Maine, it depends upon whether you are giving to a candidate or a party, or whether you are giving to an outside group, which is free to discuss issues. This was the core issue in *NAACP v. Alabama* back in 1958 when the State of Alabama was trying to get the names of the people who gave to the NAACP. Why were they doing that? To intimidate them into shutting up. That is precisely what this is about, to quiet the voices of citizens, particularly who gather together in 501(c)(4)'s in order to express their views. That is the core of the First Amendment. The founding fathers would be appalled—appalled—to think that we are trying to prevent political discourse at the heart of the First Amendment.

Senator KING. In my view, we are not trying to prevent political discourse at all. We are just asking people to be responsible for the

statements that they make in the context of an election. Nobody is arguing—I think—I think the NAACP case is a different case. They were not—my recollection, that was not involving an election. They were a private organization, and——

Senator McCONNELL. If my friend would yield.

Senator KING. Yes, sir.

Senator McCONNELL. This newly empowered FEC would decide who gets to speak and who does not. This newly empowered partisan FEC would decide whether or not your speech qualified or whether it did not qualify for the full disclosure. We have required disclosure to candidates and to parties consistently since the 70's. That is not what we are talking about here. What your bill does is to go over into the area of political discourse that 501(c)(4)'s are entitled to engage in and require their disclosure. The reason for that is for the purpose of intimidating them and to shut them up.

Senator KING. Well, that is not my reason. My reason is to inform my voters who are trying——

Senator McCONNELL. But the FEC—the newly empowered FEC will make the decision as to who speaks and who does not based upon——

Senator KING [continuing]. about what the intention is.

Senator McCONNELL. Yes, based upon——

Senator KING. My intention in supporting this bill is to provide information to my citizens.

Senator McCONNELL. Yes, and that information will be useful to this newly partisan FEC to decide who gets to speak and who does not.

Chairwoman KLOBUCHAR. We know how much money has transplanted over there to the Super PACs and the like, and it has just made a mockery of the finance system we have now. That is why this Disclose Act is so important, \$10,000 and over. This is not chump change. You look at what Justice Scalia once said. He said in a 2010 case: “For my part, I do not look forward to a society which, thanks to the Supreme Court, campaigns anonymously, hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the home of the brave.” Whatever they interpreted our past laws to be, what we are trying to do here is put a requirement that I believe would be upheld. Trevor Potter, former Republican chair of the FEC, in this very room said that the Supreme Court has made clear that it is generally constitutional to require disclosure of the sources of funding for spending in Federal elections. That is what this is about, and so——

Senator McCONNELL. 527s are Super PACs. They disclose now. 527s, by definition, are Super PACs. They disclose now. This is about trying to crush the voices of people who choose to associate as 501(c)(4)'s to engage in the political discussion. It is not a contribution to a campaign or to a party.

Chairwoman KLOBUCHAR. It is political speech under 501(c)(4). Senator Cruz?

Senator CRUZ. Madam Chairwoman, I just want to make clear. I would agree with Senator McConnell's amendment here. I would note that when it comes to the issue of anonymous political contributions, Number one, the Supreme Court has upheld for third party groups the right to do so in the *NAACP v. Alabama* case,

which was a unanimous decision and a landmark civil rights decision that Senate Democrats are now prepared effectively to overrule.

But Number two, you know, there is an old line that hypocrisy is the tribute that vice pays to virtue. When it comes to so-called dark money, it is worth recognizing that Democrats have a massive advantage in dark money, that the Democratic senators who give speeches about dark money rarely acknowledge that the donors of dark money, whether George Soros, or Bloomberg, or others, are overwhelmingly tilted on the Democratic side. To give just one data point, according to the New York Times, during the 2020 election cycle, groups aligned with the Democrats spent more than \$514 million in so-called dark money compared to roughly \$200 million by groups aligned with Republicans. There is a more than 2-to-1, almost 3-to-1 advantage on the Democratic side. Now, this bill seeks to subject donors to private organizations to public ridicule and suppression, but, simultaneously, to replace some of that with massive public funding of campaigns, both of which I think are very bad changes to how we conduct elections.

Senator KING. Well, Senator—

Senator MCCONNELL. Did my colleague from Texas calculate, based on his own fundraising experience, how much he would get from the Federal Government?

Senator CRUZ. I did, and, as we debated it before, under this bill that all the Senate Democrats voted for, I would get \$24 million this quarter of Federal funds. I do not want \$24 million of Federal funds. I think if I am running for elections, I should be seeking the support of individuals who would support my campaign, not forcing the taxpayers, not forcing Democrats in each of your states to fund my campaign. I think that is another aspect of the corruption of this bill.

Senator KING. The senator presented data I would have gotten \$748, so just for the record.

[Laughter.]

Senator KING. But, Senator Cruz, I think the data you presented makes the case that this is not a partisan act. I think it is true that in 2020 there was more money spent on the Democratic side through these 501(c)(4)'s. That underlines a problem. This is a bipartisan problem. All of us should want to resolve this problem. Again, and I realize it is a hard definition to make, and Senator McConnell refers to the FEC, but I make a distinction between a legitimate, you know, nonprofit that is generally involved in public affairs—The Brookings Institution or someone else—and an organization whose principal purpose is to inject their views into an election. Is that not what we are—

Senator CRUZ. Senator King—

Senator MCCONNELL. Who makes that decision?

Senator KING. Sir?

Senator MCCONNELL. Who makes that decision? It is a newly partisan Federal Election Commission—

Senator KING. I take your—

Senator MCCONNELL [continuing]. that decides what kind of speech is campaign related and what kind of speech is not.

Senator CRUZ. I would point out, in addition, it is not just 2020. It was 2018, it was 2016, it was 2014, that the Democratic dark money and Super PACs were massively greater than the Republican side, that if you look at the top 20 givers, the billionaires who were funding this, they are overwhelmingly on the Democratic side. But Senator King suggested—

Senator KING. I suggested we have a bipartisan problem.

Senator CRUZ. Well, except the phenomenon of cancel culture is not a bipartisan phenomenon. One of the reasons why this provision is in there, I believe, is because Senate Democrats believe that that by forcing, whether it is supporters of groups like the NAACP or others, that they will subject them to public ridicule and pressure and punishment in a way that givers to the left are not subjected to, are not subjected to the kind of boycotts, the kind of efforts to have them fired, the efforts to have them punished, the woke corporate culture right now. I think Senate Democrats want to subject as many donors on the other side to that kind of pressure in order to prevent them from participating in our democratic process.

I will point out one California CEO who gave, if I remember correctly, I think it was \$1,000 to a referendum in California defining marriage as the union of one man and one. By the way, that is a referendum the voters of California voted for and it passed in California. That CEO lost his job because a provision like this outed him as having made that contribution, and for \$1,000, that tech CEO was driven out of his company. I think the Democratic supporters of this bill believe that they will be able to utilize that cancel culture pressure to further skew the political debate in a way that ensures that Democrats stay in power.

Senator OSSOFF. Would the senator yield? Senator?

Senator CRUZ. Sure.

Senator OSSOFF. Just to observe, and, again, bringing the perspective of someone relatively new to the body, respectfully, I think that this is the kind of presumption of malintent and conspiracy that really undermines our ability to have a reasoned debate about policy. It may be, Senator Cruz, with all due respect, that Senators King and McConnell simply have different views about First Amendment protections for freedom of speech association. I happen to believe, as I believe Senator King does, that to equate Senator McConnell's 501(c)(4) group that pops up for the express purpose of running political ads in a specific political campaign, shielding the identities of donors, allowing them to circumvent FEC regulations, which happens all the time, is nothing like the case of the NAACP. But as for who decides, we decide. It is up to us to stipulate which forms of organizations are subject to which level of disclosure when they engage in electioneering communications.

Senator McCONNELL. Would the senator yield?

Senator OSSOFF. I would.

Senator McCONNELL. This is why the ACLU has a problem with this section of the bill. The ACLU, one of the most liberal organizations in America, has got a serious problem with this part of the bill because they recognize that what it does is put the government—regardless of who has a partisan advantage here, let us just put that aside. Is it the business of the government to supervise

political speech, to decide what kind of thing you can say about an issue that may be in proximity to an election? That is at the core of this, trying to police America's political discourse, not so much who is advantaged or disadvantaged by it. I think this is core First Amendment political speech. This is an effort to interfere with it, to have the government, through a partisan Federal Election Commission, decide who gets to speak and who does not.

Senator KING. A question for the senator. Do you believe then the entire structure of our campaign finance laws is unconstitutional, because it certainly subjects all those people who are listed on my contribution to some kind of retribution if the——

Senator MCCONNELL. No, I do not. I think the senator is having a hard time understanding the difference between campaign contributions which the Supreme Court has held you can constitutionally limit the contribution and have full disclosure, campaigns, to parties, Super PACs, 527s, fully disclose. (c)(4)'s are whole complex area of discussion of political issues. It includes everybody from the NAACP to very conservative groups.

Senator Cruz has pointed out that, from a partisan point of view, you guys appear to have a big advantage. I do not think that is the issue. I do not think it is any business of the Federal Government to supervise America's political discourse when citizens band together, form a (c)(4) in order to advance a cause. If you are going to try to distinguish between it is a justified cause, as Senator Ossoff has pointed out, and an unjustified cause, who makes that decision?

Senator OSSOFF. Will the senator yield?

Senator MCCONNELL. The newly partisan Federal Election Commission.

Senator OSSOFF. Will the senator yield?

Chairwoman KLOBUCHAR. Okay.

Senator OSSOFF. Just to be clear, I made no statement about whose responsibility it is to distinguish between a justified cause and an unjustified cause. What I observed is that there is very little similarity between the NAACP, a longstanding civil rights organization, which does not principally engage in electioneering communications, but engages in organizing and advocacy for civil rights, particularly in parts of this country suffering under segregation and Jim Crow, and any of the innumerable 501(c)(4) organizations, which exploit this flaw in the laws governing disclosure for charitable organizations, such that they are effectively proxies for political parties and political candidates.

Everybody in this room knows that 501(c)(4) organizations are routinely used for the exact same purpose as a candidate committee or a 527, to engage in electioneering communications for the express purpose of influencing voters and elections, and that that is often their sole purpose. It is my view that where an entity exists and is operating for the purpose of influencing voters and engaging in electioneering communications, that just as the public has a right to know who contributes to political candidates, and just as the public has a right to know who contributes to 527s, so, too, should the public have a right to know who is putting significant resources into influencing the views of the voters.

Senator MCCONNELL. My point is that that decision will be made by the newly partisan Federal Election Commission, which will decide which groups are subject to disclosure and which are not. It just depends upon whether you are comfortable with somebody from the Federal Government, particularly with this new FEC controlled by the President of the United States, whoever that may be at the moment, gets to decide who gets to speak and who does not. That is at the core of this and——

Chairwoman KLOBUCHAR. Okay. I just do want to note know that we have a vote, and the vote is closing soon on the floor.

Senator CRUZ. Madam Chairwoman——

Chairwoman KLOBUCHAR. Some of have not voted yet, and I think we should soon call this for a vote and then go recess to vote.

Senator CRUZ. Let me make a very brief point, if I might.

Chairwoman KLOBUCHAR. Mm-hmm.

Senator CRUZ. Which is—which is a question I would pose to the senator from Georgia, whether he believes that Congress has the constitutional authority and the right to force organizations, like Planned Parenthood, to force organizations like the Sierra Club, to disclose their voters against their wishes. Both of those organizations engage in active electioneering. I would be willing to guess both of those organizations supported the senator from Georgia's campaign. Yet I believe they have a constitutional right not to have their donors forcibly made public by the Federal Government. Does the Senator from Georgia believe they have that right, or, instead, does the Senator from Georgia believe the Federal Government can and should force Planned Parenthood and the Sierra Club to involuntarily disclose their donors?

Senator OSSOFF. I happily answer the question because my view is a principled one without regard to the political affiliation or ideology of the entity we are discussing. My view is that organizations which engage in electioneering communications, organizations that are running television ads and paid digital ads for the express purpose of influencing public opinion to influence elections, should have to disclose who is funding them, regardless of whether they are on the left, the right, the center, or otherwise.

Senator CRUZ. The Supreme Court has explicitly disagreed with you.

Chairwoman KLOBUCHAR. That is why we are——

Senator OSSOFF. That is why we are here today.

Senator CRUZ. But we do not have the ability to change the Constitution, although I would note, as Chairwoman Klobuchar knows, that in 2014, before the senator from Georgia was here, that Senate Democrats introduced a constitutional amendment to repeal the free speech protections of the First Amendment, and to give Congress the authority to regulate political speech. Sadly, when that vote came to a vote, every single Senate Democrat in this body voted to repeal the free speech protections of the First Amendment.

There was a time when there were Democrats who believed in free speech, who defended free speech. By the way, one of those was Ted Kennedy, who, in an earlier iteration when Democrats tried to do it, Ted Kennedy voted “no” and said—in fact, he thundered from the Senate floor, “We have not changed the Bill of Rights in 200 years, and now is no time to start.” Unfortunately,

today—today’s Democratic Party, every Senate Democrat voted to repeal the free speech protections of the First Amendment in 2014 because political power now trumps principle or any fidelity to the Bill of Rights.

Senator OSSOFF. Senator, and I know, Madam Chair, that we are out of time, but just to note that actually it is because it is common sense that entities running ads to influence public opinion in elections should have to be transparent about who is funding them. If we go out and ask anyone on the street—Democrat, Republican, Independent, apathetic—is it sensible that we have a political system where corporations and high-net-worth individuals can spend limitless amounts of money on electioneering communications, campaign ads in secret, it does not pass the smell test. That is why we need campaign finance reform, and that is why I oppose Senator McConnell’s amendment.

Chairwoman KLOBUCHAR. Okay. Can we call for a vote now?

Senator BLUNT. Yes.

Chairwoman KLOBUCHAR. Very good.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Yes.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Hagerty?

Senator BLUNT. Aye by proxy.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. Okay. The amendment is not adopted on a tie vote.

We will adjourn for this vote and get back here in about 20 minutes.

Senator KING. Madam Chair, I would like to point out that we are actually debating here, something which very rarely happens in this body.

Chairwoman KLOBUCHAR. Yes.

Senator BLUNT. True.

Senator KING. I think it is a good thing.

Chairwoman KLOBUCHAR. Very good. Alright. Thank you, everyone. We will temporarily adjourn.

[Recess.]

Chairwoman KLOBUCHAR. Alright. I located my gavel. The committee is back in session, and we have a quorum here I see, so thank you, everyone, for being here.

I am going to put up one of my amendments, and it is—the number for the amendment—we will get it—it is Klobuchar 6. This amendment is an amendment that would require the Attorney General to submit a report to Congress on data collection efforts by local, state, and federal entities, and the cybersecurity resources that are necessary to defend personally identifiable data, including identifying information for voters used for registration. I will note that, like Senator Warner's amendment, this was offered by Representative Burgess of Texas and was a bipartisan amendment in the House.

The report required under this amendment would analyze the impact of potential data breaches on online voter registration systems, which would help fortify them and ensure voters' private data is protected. We know we have seen hacking attempts not just in voting, but really across the board, like the SolarWinds attack, and online voter registration is critical for millions of Americans. The pandemic has shown us how true that is, and that is why making sure that it is a priority to protect the privacy of voters, and ensure that data collected by local, state, and the Federal Government is secure is important. I believe that is why this amendment, which was a Republican amendment—a House Republican amendment in the House passed in the House on a bipartisan basis.

Anyone want to speak to the amendment? Okay. Should we—oh, Senator Padilla?

Senator PADILLA. Madam Chair, just a couple questions. The provision of this amendment is for the Attorney General to review a report on state efforts, local government efforts, strictly governmental effort, or does it apply—

Chairwoman KLOBUCHAR. Local, state, and federal.

Senator PADILLA. Local, state, and federal.

Chairwoman KLOBUCHAR. Mm-hmm.

Senator PADILLA. But not for not-for-profit, or nonprofit, third-party entities?

Chairwoman KLOBUCHAR. No.

Senator PADILLA. I am supportive of this, and the reason I ask, and maybe it is an area for follow-up after today's hearing, I know

that in multiple states—will different states have different rules as to who has access to voter information?

Chairwoman KLOBUCHAR. Mm-hmm.

Senator PADILLA. With states varying on the requirements for how to help third parties who are required to secure that voter information?

Chairwoman KLOBUCHAR. Mm-hmm.

Senator PADILLA. A lot of times when we hear, oh, voter information is available, it is found on the dark web, et cetera, et cetera, it actually was not a state that got hacked in any way or a county government that got compromised in any way. It was lawfully obtained by, let us say, a media organization for journalistic purposes, or a researcher for academic purposes, and somehow they have been undermined or compromised. In some places you have reporting requirements in the event of such an incident or what have you. Not rambling on here. Just trying to offer some food for thought maybe to bolster with a further amendment maybe or additional guidance to the Attorney General for such a report that this amendment asked for. But I am happy to support it.

Chairwoman KLOBUCHAR. Very good. Okay. Very good. Any more comments?

[No response.]

Chairwoman KLOBUCHAR. The clerk will call the roll.

The Clerk. Senator Feinstein.

Senator BLUNT. We are able to do this by voice if you want to.

Chairwoman KLOBUCHAR. Okay. Voice vote. That is music to my ears.

All those in favor, aye.

[Chorus of ayes.]

Chairwoman KLOBUCHAR. All those opposed?

[No response.]

Chairwoman KLOBUCHAR. The amendment passes by voice vote. Next up, Senator Capito.

Senator CAPITO. Thank you, Madam Chair, and I have another amendment similar to the one I had with the military, and thank you all for accepting that amendment. This one is a little bit different. This one would strike Section 1502, the paper ballot mandate, and this comes to me from the disabled community, the American Council of the Blind. I mentioned that in West Virginia, we have the pilot program where e-voting has been made available to people with certain disabilities, and the West Virginia Council of the Blind would be folks that would be able to use this technology. In it, the American Council of the Blind says that the paper ballot mandate would, “prevent innovation in election technology, barring accessibility gains in the future and silencing the voice of millions of Americans who are blind or are visually impaired.” I have heard from our West Virginia advocates who fear that the accessible voting technology our state has extended to certain voters would be taken away by this provision.

If think if you think about it, if a person has the availability to e-vote, but then has to then submit a paper ballot, then what is the—what is the point of having an e-vote? A lot of folks with imparities, such as visually imparity, have—would have difficulty with a paper ballot. I am sure there had to be some extra help in

that way, but, still, it is redundant. I think it would limit ballot access to some of our most vulnerable West Virginians, and I would ask my senators to support voter access for our disabled fellow citizens.

Chairwoman KLOBUCHAR. Thank you very much, Senator Capito. I have done a lot of work in this area because of the Secure Elections Act that Senator Lankford and I co-sponsored that basically—and Senator Blunt is well aware of this issue—would basically have given funding for the state's contingent on them getting—the eight remaining states getting paper ballots. That is, of course, because of concerns about hacking into elections and what happened in the past. But I will say that I have an amendment—while I would not support this entire amendment, I have one that would strike the final part of the section as applied to military overseas and people with disabilities. Maybe in the next hour or so, our staffs could work together and we could come up with that piece of it, and we can still vote on this, but I would just offer that. I think that there is a way we can carve it out to get at your major concerns, so. Okay. Senator Padilla and then—

Senator PADILLA. Madam Chair, and I am happy to engage in that conversation and wordsmithing as well.

Chairwoman KLOBUCHAR. Yes.

Senator PADILLA. Let me share what my concerns are. You know, from a security standard, it is not just paper ballots, but I think the standard is really what is known as a voter-verified paper auditable trail, so that there has got to be a paper record of some sort for post-election audit purposes, right? We have heard the whole discussion and debate about integrity of the elections. Integrity of the elections is not just whether you can count the votes once. It is how to—how do you audit the results to ensure the accuracy and the integrity of the result? Now, I understand for our women and men in uniform, and God knows what kind of conditions around the world that they are serving in there, but to promptly return a vote-by-mail ballot, so electronic delivery is allowable with hopefully the paper record to follow for, again, the reporting and auditing purposes.

For voters with disabilities, I can assure you, their—technology now exists to allow for not just accessible voting systems in the polling place, but remote accessible vote by mail that maintains the privacy and the ability of—for a voter, regardless of their ability—sight, hearing, what have you—to vote privately and independently. Even with voters of different abilities, I believe there is a way to accommodate their needs while still providing that paper record that is so crucial from an election security and election integrity standpoint.

Senator CAPITO. May I respond just quickly?

Chairwoman KLOBUCHAR. Sure.

Senator CAPITO. I would say I know why the paper ballot trail is important. I understand that, and we have that in our voting system already. I would imagine at some point we would not be having this discussion because there is going to be some way to generate a paper ballot that trails the e-record at some point. I mean, if you think about the voting machines that you vote on remotely from your county courthouse in your polling places, you

know, you are generating a paper ballot there. I would imagine at some point, an electronic ballot is going to be able to create that paper trail record.

Senator PADILLA. Therefore, my concern. If we are saying, okay, you do not need the paper record anymore, then you have lost it, and it makes it impossible to audit.

Senator CAPITO. I am just trying to respond to the needs and the concerns of, in particular, the blind community, and it puts them at a disadvantage, but we will work—

Chairwoman KLOBUCHAR. Yes, I think we can probably get something worked out before this—the end of the afternoon here. Do you want to add anything, Senator Merkley? Senator King?

Senator KING. Are you suggesting we postpone consideration—

Chairwoman KLOBUCHAR. If you want to, Senator Capito. I think that is fine. I think we will be able to work something out.

Senator CAPITO. Yes.

Chairwoman KLOBUCHAR. I know you care a lot about this, Senator King, so. Okay. Very good. We will get to work on that right now. Next up, Senator Merkley, or do you just want to—

Senator MERKLEY. Just adding onto this conversation.

Chairwoman KLOBUCHAR. I think we have—Senator Hagerty has some amendments, so.

Senator MERKLEY. This is not an amendment.

Chairwoman KLOBUCHAR. Yes.

Senator MERKLEY. I just wanted to add to this conversation that perhaps what you all can work on is something that lays out a framework for pilot projects so we are not establishing an electronic standard that does not have paper verification across the country, but allows several jurisdictions, like West Virginia, to experiment with that, share the results. Previously we adopted my amendment which basically said it is a sense of Congress that we want to learn from the best examples in evolving technology to be able to serve the disabled—the community of individuals with disabilities. But I would just share the thought that maybe instead of something for the whole country, a set of pilot projects so that we do not run that risk of creating a hackable challenge on a broader scale.

Chairwoman KLOBUCHAR. Okay. Very good. Senator Hagerty, I heard you had an amendment.

Senator HAGERTY. Thank you, Chairwoman Klobuchar. I would like to call up Hagerty Amendment Number 16.

Chairwoman KLOBUCHAR. I was just looking for it. It is all good. Go ahead.

Senator HAGERTY. This bill calls for statehood for Washington, DC. My amendment strikes this bill's findings regarding DC Statehood, and instead provides that it is the sense of the Senate that DC should not be a state because it is inconsistent with the Constitution and the framers' purpose in establishing the Federal district. It is based on the following findings, and I quote: "Washington, DC was intentionally created under Article I, Section 8 of the Constitution of the United States as a Federal district, not beholden to nor dependent on any state," which was confirmed by the Twenty-Third Amendment to the Constitution of the United States,

which reiterates the Federal district's non-state status, and grants the District, whatever its size, three electoral votes.

DC Statehood is, therefore, inconsistent with the purpose of Washington, DC as a Federal district, that ensures that the Federal Government will never be dependent on a particular state. To this end, United States Attorney General, Robert F. Kennedy, said in 1964, and I quote, "It was indispensably necessary to the independence and the very existence of the new Federal Government to have a seat of government which was not subject to the jurisdiction or control of a state." Given the Constitution establishes Washington, DC as a Federal district, under both the Carter and the Reagan Administrations, the Justice Department has concluded that accomplishing DC Statehood would require a constitutional amendment.

The whole point of creating DC as a Federal district, a district that is not a state, was so that Federal Government would not be beholden to any particular state. The Constitution establishes it as a Federal district, and it would have to be amended to accomplish DC Statehood. To illustrate that point, the Twenty-Third Amendment provides that the Federal district shall have three electoral votes. If, as the DC Statehood legislation that recently passed the House proposes, if the Federal district were shrunk to the size of a few buildings, whoever occupies those buildings would get three electoral votes in the Presidential election. Who would get those three Presidential electoral votes? The first family? A billionaire that buys up all the housing space nearby? This is an absurd outcome. There are serious possibilities here that would result with inconsistency with the Constitution.

You know, like the rest of this bill, it is nothing but a blatant power grab. It is an attempt clearly to place two new Democrat senators. I certainly urge all of my colleagues to vote for this amendment. Thank you.

Chairwoman KLOBUCHAR. Senator Merkley?

Senator MERKLEY. Well, thank you, Madam Chairwoman. Certainly opinions differ over this issue, but this bill does not establish statehood for DC. It does have findings that address the fact that American citizens in DC should have that ability or supportive of that concept. I must say that the vision has been that we would still have a Federal district. The boundaries of that District could be redrawn by legislation, as it was previously redrawn, so there is nothing unique in that, well anchored in our history, and that the citizens in the non-Federal district would constitute more American citizens than in two of our states. Certainly the vision of our Constitution is equal representation, not unequal representation. It would be the right thing to redraw the Federal district around the Federal buildings. The Federal entity would not be inside the newly founded state, and the newly founded state would give fair and equal representation to citizens who do not have that at this point.

Chairwoman KLOBUCHAR. Any other discussions on this?

[No response.]

Chairwoman KLOBUCHAR. Okay. The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?
 Chairwoman KLOBUCHAR. No by proxy.
 The Clerk. Senator Warner?
 Chairwoman KLOBUCHAR. No by proxy.
 The Clerk. Senator Leahy?
 Chairwoman KLOBUCHAR. No by proxy.
 The Clerk. Senator King?
 Senator KING. No.
 The Clerk. Senator Merkley?
 Senator MERKLEY. No.
 The Clerk. Senator Padilla?
 Senator PADILLA. No.
 The Clerk. Senator Ossoff?
 Chairwoman KLOBUCHAR. No by proxy.
 The Clerk. Senator Blunt?
 Senator BLUNT. Votes yes.
 The Clerk. Senator McConnell?
 Senator MCCONNELL. Aye.
 The Clerk. Senator Shelby?
 Senator BLUNT. Aye by proxy.
 The Clerk. Senator Cruz?
 Senator CRUZ. Aye.
 The Clerk. Senator Capito?
 Senator CAPITO. Aye.
 The Clerk. Senator Wicker?
 Senator BLUNT. Aye by proxy.
 The Clerk. Senator Fischer?
 Senator FISCHER. Aye.
 The Clerk. Senator Hyde-Smith?
 Senator HYDE-SMITH. Aye.
 The Clerk. Senator Hagerty?
 Senator HAGERTY. Aye.
 The Clerk. 9 ayes; 9 noes.
 Senator BLUNT. You did not get to vote.
 Chairwoman KLOBUCHAR. I did not vote.
 The Clerk. Oh, I am so sorry, ma'am. My apologies.
 Chairwoman KLOBUCHAR. No, you are doing your job.
 The Clerk. Chairwoman Klobuchar?
 Chairwoman KLOBUCHAR. No.
 The Clerk. 9 ayes; 9 noes. My apologies.
 Chairwoman KLOBUCHAR. Excellent job. Alright. The amendment is not agreed to.
 Next, is it Senator Hyde-Smith, or, Senator Hagerty, you have another one, I think.
 Senator HYDE-SMITH. Thank you, Madam Chairwoman.
 Chairwoman KLOBUCHAR. Yes.
 Senator HYDE-SMITH. I would go to Amendment Number 5, Hyde-Smith 5, and call the amendment up—
 Chairwoman KLOBUCHAR. Okay. Number 5.
 Senator HYDE-SMITH [continuing]. for sending money per campaign public financing to rural hospitals. This amendment takes the funding under the bill that would have gone to the public financing of political campaigns and redirects that funding toward

rural hospitals that are so in need of this. That is what the amendment does.

Senator BLUNT. Chairwoman, let me ask Senator Hyde-Smith, to be sure I understand this. This takes the money that would go to politicians for their campaigns, and takes that same amount of money and puts it in a fund for rural hospitals? Is that what this amendment does?

Senator HYDE-SMITH. Yes, Senator Blunt. At this committee hearing regarding this bill, I raised my serious concerns about the provisions of the bill that would allow taxpayer money going to political campaigns. At a time when we have so many competing priorities for Federal funding and the national debt is going out of sight, we need to dedicate taxpayer funds to the real challenges confronting our communities, not to help politicians pay for their campaign. Therefore, this amendment would do just that. It would take the money that the bill—this bill wants to put toward political campaigns and instead use that money to help shore up our struggling rural hospitals.

Chairwoman KLOBUCHAR. Okay. Before I go to Senator Padilla, I think about how many people here—I am looking at—Senator King and I are very supportive. I look at Senator Merkley, I think of Oregon, of rural hospitals. It is one of the reasons we voted for the America Rescue Plan because we saw this as a key priority, and why we are supportive of other provisions coming forward on infrastructure and the like. But I will note that the small donor financing program in this bill will come in exclusively from a surcharge on criminal fines, civil settlements, and not out of the pockets of taxpayers or rural hospitals, so. Go ahead, Senator Padilla.

Senator PADILLA. Two points, Madam Chair. Number one, I agree with you. It is not an either/or. I think we are all supportive of rural hospitals, and, you know, frankly, I think there is an opportunity in the infrastructure package that is being negotiated to invest further in our healthcare system more broadly. My gosh, if the pandemic has not taught us anything else, it is the need to modernize and expand the capacity of our healthcare infrastructure in rural areas, in all areas of our country, frankly. My second point, and maybe it is a question for the chair or for the author. Is there specifically a previously approved appropriation you are referencing that should be diverted to rural hospitals, or is this theoretical and conceptual money that you are trying to divert to rural hospitals?

Senator HYDE-SMITH. It is the funding that this act—that we are discussing right now.

Senator PADILLA. There is no previously—there is no previously approved appropriation that you are seeking to redirect.

Senator HYDE-SMITH. It is what would go to political campaigns, funds that are derived from that source.

Senator PADILLA. It is not a previously approved appropriation that you are seeking to redirect.

Senator HYDE-SMITH. I am sorry. I did not—

Senator PADILLA. It is not a previously approved appropriation that you are seeking to redirect.

Senator HYDE-SMITH. It is what the bill states that would go to political—

Senator PADILLA. That is not my question. My question is, is there a previously approved appropriation that you are suggesting that we redirect?

Senator BLUNT. Senator, if I could, her amendment would become the authorization for a future. This would be—we would be authorizing committee for this, not the appropriating committee, so.

Senator PADILLA. I just wanted to be clear that we are not—we are not suggesting that there is a previously approved or appropriated amount of money that we are talking about here.

Senator BLUNT. Right. This would be additional money that is going to be appropriated.

Senator PADILLA. I just wanted verification. Thank you.

Senator BLUNT. This would be all new money to rural hospitals.

Senator CRUZ. Madam Chairwoman?

Chairwoman KLOBUCHAR. Senator Cruz?

Senator CRUZ. The senator from California suggested it is not an either/or on this, and I am going to suggest it is precisely an either/or, and that Senator Hyde-Smith's amendment says the money, the billions of dollars that Senate Democrats just voted to fund their own campaigns with, shall instead be used to provide financial stability for rural hospitals at risk of closure. "Shall instead be used" is an either/or, and money is fungible. Apparently, Senate Democrats believe there are billions of dollars that are free to give me \$24 million and give the rest of you tens of millions.

Senator Hyde-Smith's amendment is very straightforward. If you got those billions of dollars in this fund, rural hospitals need them more than politicians, who are already flush and happy, and it is an either/or. If you vote against it, you are saying you want the Federal funds for your campaign more than you want to provide them to rural hospitals, that it is a direct either/or because that is the terms of the amendment.

Chairwoman KLOBUCHAR. Okay. Senator Merkley wanted to step in as the author here.

Senator MERKLEY. Thank you, Madam Chair. You know, it is interesting construct my colleague from Texas has put forward. I would say it works more like this. If we pass this bill so billionaires cannot buy elections, then this Senate will not be voting to send \$2 trillion to the richest Americans like they did in 2017, and we can give not just a billion or two to rural hospitals, we can give a \$100 billion. In Ted's—excuse me—in Senator Cruz's construction, if you fail to support this bill, you are really undermining rural hospitals across this country, and that would be a shame.

Chairwoman KLOBUCHAR. Okay. Are we ready for a vote? Okay.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Blunt?

Senator BLUNT. Votes yes.

The Clerk. Senator McConnell?

Senator McCONNELL. Aye.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Next, Senator Hagerty?

Senator HAGERTY. Thank you, Chairwoman Klobuchar. I would like to call up next Hagerty Amendment Number 27.

Chairwoman KLOBUCHAR. Okay. Hagerty Amendment Number 27.

Senator HAGERTY. I would like to remind everybody that what this overall bill is is an attempt by the current majority to use their current power to remain in power forever. What my amendment does is prevent the current majority from changing the rules of their elections in an attempt to keep power and to avoid future competitive elections. Therefore, my amendment is going to delay the effective date of the entire bill until July 1 of 2027. That way, no one voting on this bill today will be in a position to change the rules for their own election. Thank you.

Chairwoman KLOBUCHAR. In response, I would just say that I do not think our democracy can afford to wait until 2027 when we see these—over 350 bills that have been introduced in states across the country, with now two of them having passed in the State of Georgia and the State of Florida, with one on its way in Texas. I will say in a number of the provisions in the manager's amendment, which we have gotten some support for certain provisions in it, but not all of them, we did extend deadlines just to allow for more time for implementation, especially in rural areas, small jurisdictions with under 3,000 people. We made some significant changes.

But to simply say that we are going to wait until 2027, which is a significant time away, for the entire bill, I think that just does not make sense to me given that Jocelyn Benson, the Secretary of State of Michigan, said that she was able to make these changes in a year. The fact that we have 15 states, including Alaska and Georgia, that already have automatic registration; 21 states having same-day voter registration, including Idaho, Wyoming, and Iowa; 43 states that have early voting with the average length of 19 days; 34 states requiring no excuse voting by mail in 2019, including Florida and Alaska, and 45 did in 2020 during the pandemic. Forty states have online registration, including Alabama, Florida, and Iowa.

Our point is this is clearly workable, but there are some states that are not doing these things, and we all know things like—which many Republicans talked to me about after the 2020 election—of the states waiting so long to start counting the ballots created a lot of confusion nationally in a Presidential election. That is one of the things that we fix, something that people have reached out to me about on the other side of the aisle. I just think that we do not want to wait until 2027 to make these changes.

Senator HAGERTY. I suggest that the sense of urgency may be for a different reason, Madam Chair, and I am going to quote a Politico article just—that was just recently published May 3. I quote, “Many in the party,” referring to the Democrat Party, “privately worry that frontline Democrats, like Warnock, or House Democrats that are vulnerable to redistricting could lose their seats in Congress if Congress does not pass this legislation.” I believe that is the concern here. I think this is an attempt to change the rules while you have this slimmest majority and put in place a system that is going to make it much easier to hold onto that power. Again, I will go back to what I said earlier. This is something I would expect from Communist China or from Venezuela’s Maduro. That is exactly what Maduro did.

Chairwoman KLOBUCHAR. Okay. What I see going on around the country right now is attempts to limit votes. I—you know, elections that I have seen in the past when a party loses a Presidential election in a major way, or they suddenly lose states like Georgia, since you brought up Senator Warnock, they step back and they say, okay, what do we have to do to reach out to voters in a different way. What is it about our positions on issues that caused us to lose the Presidential race, or how do we do a better job of communicating with voters, or what should our candidates be when we put them up. That is usually what parties do when they look back, both on Democratic and Republican side, in the past after an election.

Instead, what I see here with these voter limitations and the impingement on the freedom to vote in these states, it is instead looking at it the opposite way. That is saying, okay, a bunch of people voted in 2020 because they figured out and made it easier for them to vote by mail, or they did not have to get notary signatures through a hospital window while they had COVID in order to get an absentee ballot, or they allowed for early voting in bigger ways because it was more healthy and safer in the middle of a pandemic. What I see now is a rolling back of those changes, and, to me, the

answer should not be let us make sure these people do not vote again. The answer should be how do we reach out to people to get them on our side to vote for us. That is why I have a problem with waiting on this.

Senator CRUZ. Madam Chairwoman?

Chairwoman KLOBUCHAR. Senator Cruz, I just knew you would want to respond to that.

Senator CRUZ. Well, with all respect, that was a wildly inaccurate and partisan assessment of what is occurring, and I would note that this bill was drafted following the 2016 election after Donald Trump beat Hillary Clinton. The senator from Minnesota suggested when a party loses, they reassess their positions. The Democratic Party did not do that. The Democratic Party insisted for four years that Hillary won and the election was stolen, and it was Russia that stole it, and for four years, we heard that over and over—

Chairwoman KLOBUCHAR. You must not have been in the same Electoral College room as we were.

Senator CRUZ. Madam Chairwoman, I am speaking.

Chairwoman KLOBUCHAR. We voted. Okay.

Senator CRUZ. The Democratic Party did not reassess any policies, but instead, the response to losing that election in 2016 was to introduce this bill to cause millions of illegal immigrants to be registered to vote to vote for Democrats, to cause felons and criminals to be registered to vote to vote for Democrats. I would note that now in the 2020 election, there were a number of closely competitive Senate races, including in the State of Iowa, including the State of North Carolina, including in the State of Alaska, including in the State of Montana, that Democrats spent hundreds of millions of dollars trying to win and they lost. What does this bill try to do? Change the electorate and let us get a whole bunch of illegal voters to change the composition of the electorate, along with a partisan Federal Election Commission that will be counted on.

With the Chuck Schumer election commission, like clockwork, there will be an October surprise. Who are the vulnerable Republicans? Who are Republicans in close races? Boom, the Chuck Schumer Federal Election Commission will announce investigations and fines directed against them. This is a brazen power grab by the Democrats because you have decided democracy is not worth it. You want to fix the game so the voters do not have control over our election.

Chairwoman KLOBUCHAR. Okay. I have so much issues with what you just said because I am thinking back to 2016 when, in fact, Hillary Clinton conceded the election, when, in fact, we had an Electoral College vote. I know because Senator Blunt and I were in charge of it, and Vice President—then Vice President Biden was presiding over it, and it went through. We did not object to those results. Then let us fast forward to the day of the insurrection to January 6th when, in fact, you, Senator Cruz—not all of your colleagues here today—you were contesting the Electoral College. You were leading—one of the leaders on the effort to say that the election results were not correct.

You wonder why we want to make sure that people have the right to vote. Well, it is because of this kind of rhetoric and this

kind of behavior, and an insurrection at the Capitol, and a former President that is still maintaining that he somehow won the election when we all know it is not true. That is why—if you ask why we are still interested in protecting our democracy from that day of January 6th, I think that is your answer.

Senator CRUZ. Well, Chairwoman Klobuchar, this bill had nothing to do with the 2020 election because it was drafted four years earlier. This bill has everything to do with Democrats trying to rig the election to stay in power and to disenfranchise voters. That is what this election is about. By the way, Hillary Clinton insisted after the election she did not lose, and not only that, Hillary Clinton advised Joe Biden under no circumstances should you concede. The ahistorical rewriting of what occurred is not accurate, and rigging the system to take away the rights of voters, this is designed to keep Democrats in power for 100 years, and it is fundamentally corrupt.

It is worth noting that when Republicans had a much bigger majority than Democrats have right now—Democrats have a six-seat majority in the House and a 50–50 slimmest possible majority in the Senate—we made no effort to rig the system the way Democrats are doing, and that is dishonoring the promise we made to our constituents.

Chairwoman KLOBUCHAR. Anyone? Senator King?

Senator KING. Madam Chairwoman, when I worked here 40-plus years ago, Mike Mansfield was the majority leader. One of the principles that he enunciated at that time to the members and filtered down to us on the staff was that you debate the issues, not the other person's motivation. I would like to suggest that we could elevate this discussion by talking about the provisions of the bill, not who intended to do what, because, frankly, Senator Cruz, I do not like some of your statements because I know what I believe and why I am supporting, not all, but many, if not most, of the provisions of this bill. It does not have anything to do with keeping Democrats in power. It has to do with making sure the maximum number of Americans vote. It certainly does not have anything to do with making it so illegal aliens can vote. If there is a provision in here that you believe facilitates that, let us talk about it, but let us not attribute motives to people, Okay?

Senator CRUZ. I am happy to do so.

Senator KING. Thank you.

Chairwoman KLOBUCHAR. Okay. Shall we have a vote on this amendment? Okay.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Blunt?

Senator BLUNT. Votes yes.

The Clerk. Senator McConnell?

Senator McCONNELL. Aye.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Next, Senator Blunt?

Senator BLUNT. I would like to call up Blunt Amendment 10. This deals with all of Division C in this bill. It is 100 pages of new ethics legislation, and it is Titles 7, 8, 9, and 10. My view is that we are striking out here into a really important area without much discussion. Certainly all of these sections were written by our friends on the other side, and we have had one hearing on this bill. The experts at that hearing were experts on election administration and campaign finance sections of the bill, did not include any discussion of this whole big section on ethics that, broadly, will impact all three branches of government.

There is a code of conduct for Federal judges, including the first time that Congress ever purported to actually come up with a code of conduct for judges, and this even includes the Supreme Court judges. There is a—Presidential transition teams would all be covered under the new ethic standard. Access to certain congressionally mandated reports and much more than that would all have new standards of ethics.

There may—Madam Chairwoman, there may be provisions here that both sides could agree on, but I just do not think we have had anywhere near the discussion we need on this. Many of the provisions are outside our scope, and I know we had this discussion earlier, but they are outside the oversight areas of this committee. Judicial ethics, for instance, would be outside the scope of this committee. Concerns have been raised by a number of different groups that these ethics rules are duplicative, they are unnecessary, they are vague. They have not been vetted in a bipartisan matter, and this amendment would just simply eliminate that roughly 100

pages that have not been discussed, that has very little to do with the rest of the election bill, and is clearly largely outside the scope of our committee.

Chairwoman KLOBUCHAR. Okay. Well, I did ask Mr. Wertheimer about this at the hearing, and all members were allowed to submit written questions and also have second rounds of questions, and so we made the witnesses available on this ethics issue. I am glad you raised the ethics issue—I obviously do not agree with my friend, Senator Blunt, on this—just so we can briefly go through what the bill contains when it comes to ethics because I think it is pretty important.

It creates a dedicated Foreign Agents Registration Act enforcement office at the Justice Department, authorizes the Justice Department to impose civil penalties for Foreign Agent Registration Act violations, requires foreign agents to disclose anything of value that they know their foreign principal gave to a federal or state official. Also in the manager's amendment, we also made it very clear that foreign principals cannot pay fines of their registered agents, and that is something we will work on, I am sure, later with the bill.

Senator BLUNT. I am filing that as well.

Chairwoman KLOBUCHAR. It also strengthens the Lobbying Disclosure Act. It closes a loophole that allows behind-the-scenes advising on lobbying to avoid registering. It also requires a lobbyist meeting with a government official to affirmatively disclose that they are registered lobbyists. I would actually like to know this. Sometimes I am looking at some of our new senators. You do not really know this when people come to meet with you. I think it would be helpful to know it. They do not have to be draconian about it, but, you know, if someone is a lobbyist or not when they are in a big group of people, that are coming to see you, of constituents and identifying their client and, of course, whether or not their client is a foreign entity.

When it comes to executive branch ethics, this bill would also require the President and the Vice President to divest financial interests that pose a conflict of interest. That would get rid of some of these issues that we have had arise over time. It prohibits the government from entering into contracts with businesses owned or controlled by the President or Vice President, or certain other senior officials or their family members. It requires candidates for President to disclose their tax returns, strengthens conflict of interest laws for Federal workers, requires Presidential appointees to recuse themselves from certain matters involving the President and spouse, prohibits private organizations from paying bonuses to employees for serving in government, prohibits former Governor—former government contractor employees from participating in procurement involving their former employer for two years, extends the ban on foreign—former Governor—government employees lobbying former employers to two years.

It also strengthens the Office of Government Ethics, requires the Office of Government Ethics to review and approve decisions of agency government ethics officials, requires disclosures of contributions made or solicited by or on behalf of Cabinet officers and other senior officials. Again, it happens to be a Democratic President and

a Democratic Cabinet right now, so all of these things would apply to them as we look at the partisan or bipartisan or nonpartisan nature of this. It codifies the executive branch appointee ethics pledge first required by the Obama Administration, again, applying to a Democratic Administration.

When it comes to congressional ethics, prohibits members of the House of Representatives from serving on the boards of for-profit entities. Senators are already prohibited from serving on corporate boards. Prohibits Members of Congress from introducing or advocating legislation that furthers the financial interest of themselves, their families, or other small classes of persons, prohibits Members of Congress from using taxpayer funds to settle cases of the Employment Discrimination Act by members.

Then finally, what Senator Blunt referenced, the judicial ethics. It simply requires the Judicial Conference of the United States—we are not writing this judicial code ourselves. It says that they must adopt a code of conduct that applies to all justices and judges in the Federal judiciary. As I noted, Darrell Issa—Darrell Issa—introduced this bill, and the other judges, the other Federal judges that are not on the Supreme Court already have a code of ethics. This has been asked many times for those of us on Judiciary at Supreme Court hearings, and there has been a lot of concern—bipartisan concern about this. I do not think it is a surprise that Darrell Issa is the one that actually authored this provision.

I appreciate my friend and colleague's concerns, but I think many of these issues have been discussed through the years.

Senator BLUNT. Senator—

Chairwoman KLOBUCHAR. This is an opportunity, given we have not done ethics reform in any major way since 2006 when I first got to the Senate, and it has been waiting to correct some of these problems that we have seen on both sides of the aisle over the years.

Senator BLUNT. Well, Senator, there may be a reason that we only legislate on the cicada cycle, because apparently when we start legislating, we assume we have all the jurisdiction of all the other committees. As you explained that, I would assume there are at least five committees that would argue that it is their job, not ours, and, frankly, you serve on at least two of those other committees and could do this, possibly narrowly. We might have jurisdiction over some segments of Senate ethics. I just do not think—you know, there is a Judiciary Committee. My guess is when Darryl Issa filed his bill, it was not sent to House Administration. I think we are way beyond our scope here as a committee, and the idea that our friend Fred Wertheimer was said to be available on this topic and that should somehow be the fulsome vetting of this area, I think is a mistake. We have not looked at it closely. The Judiciary Committee would clearly have some of this jurisdiction. The Ethics Committee would clearly have some of this jurisdiction. I think we are beyond where we should be here, and would—again, I will advance my amendment that we strike that 100-page Section C that deals with exactly what you explained, all of which might need to be done, none of which has very much to do with an elections bill or the jurisdiction of our committee.

Chairwoman KLOBUCHAR. I will notice Senator Cruz has noted many, many times during this discussion the bill has been available for people to see for several years now.

Senator BLUNT. That is right, and we are marking the bill up, and my point would be we do not have jurisdiction in these areas, whether the bill is available or not or whether Fred Wertheimer could have been asked questions about the ethics section or not. It is not what we do in this committee. It is not part of an elections bill. I am not arguing that some of it does not need to be done, but I think both the jurisdiction and scope of this bill, we are way beyond where we should be on trying to make this an overall ethics rewrite for everybody, from Presidential transition teams to the Supreme Court of the United States.

Chairwoman KLOBUCHAR. Alright. Anyone want to add anything?

Senator MERKLEY. I think these—Madam Chairwoman, these reforms are so important that I think would be a big mistake for us to say, well, let us—let us take some organizational complaints that we have not heard from the chairs of these other committees and obstruct the effort to do this important work. I know that the lobbying community really hates this section. They really hate it. All our offices have heard about how much they do not want this to be done. The Federal executive branch is not too excited about this additional reporting. Members of this body are not too excited about the additional components that are there for congressional ethics. But this work is very important. I have heard nothing from other chairs of committees saying wait, wait, wait, that is in my committee.

Let us get this important work to the floor, and then a committee of the whole, which would include members from all those other committees you are talking about, can raise their points and debate this bill, including all of these provisions. But it is time to address these issues that involve the integrity of the government of the United States of America.

Chairwoman KLOBUCHAR. I note this bill was referred to this committee for various reasons, which are obvious because of the bulk of the bill—

Senator BLUNT. Well, the bulk of the bill is right. HSGAC has reached out. I have not heard—now, personally I have not heard anything from any lobbyist about this. I think the ethics—the ethics scope here, the reach here is to judges, the Supreme Court, the transition teams, others, and my guess is that several of our committees have not looked this far into this bill to know that 100 pages of it deals with ethics. I would appreciate support of my amendment.

Chairwoman KLOBUCHAR. Well, and I also appreciated your words that there might be things that you could support in this section in the future, so I look forward—

Senator BLUNT. I do not disagree with that. I do not disagree with our friend Senator Merkley's view that this is important, but I do disagree that it is important so we should not worry about things like the jurisdiction of committees. If he was the chairman of a committee that had jurisdiction, I think he would feel differently about this, and we should, too.

Chairwoman KLOBUCHAR. Okay.

Senator BLUNT. I think it is a very legitimate reason to remove this section, and I am prepared to see how the votes go on this.

Chairwoman KLOBUCHAR. Okay. Very good. Why do we not call for—why do we not call for a vote?

Senator MERKLEY. If I was chair and no other chairman complained, I would be happy to take as much jurisdiction as I could get.

Chairwoman KLOBUCHAR. Okay. Alright. Why do we not—

Senator BLUNT. Exactly.

Chairwoman KLOBUCHAR. Why do we not call for a vote here? Clerk?

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Senator SCHUMER. No.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Votes yes.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Now we turn to an amendment by Senator McConnell.

Senator MCCONNELL. Madam Chairwoman, in order to handle this quickly, Senator Hyde-Smith and Senator Cruz, I thought, made a compelling argument that spending money on political campaigns was ill advised, and they recommended that money be spent

on rural hospitals. What the McConnell Amendment Number 3 does is designate that public funding to go to fighting the opioid epidemic.

Chairwoman KLOBUCHAR. Any discussion on this amendment?

[No response.]

Chairwoman KLOBUCHAR. Very good. Well, Senator McConnell, funding to reduce overdoses from synthetic opioid fentanyl has long been a priority. In fact, I was one of the early authors of the CARES Act with Senators Whitehouse and Portman, and former Senator Ayotte. The For the People Act Small Donor Financing Program is a tool that enhances the voices of everyday Americans, and we had this very same discussion when it came to rural hospitals. I noted there that our Democratic senators voted for the American Rescue Plan. Unfortunately, we did not get help on the other side of the aisle because we wanted to help our rural hospitals. I mean, this is an entirely different issue.

This fund, which we have entitled the Freedom From Influence Fund, has been set up to get its money not from taxpayers, but from fines on people who have broken the law, and that money will be used to fund the Small Donor Program. It will not be taking money away from synthetic opioids or any other kind of drug enforcement. Any other comments?

Senator HAGERTY. Madam Chair?

Chairwoman KLOBUCHAR. Yes, Senator Hagerty?

Senator HAGERTY. I would like to speak in support of Senator McConnell's amendment, and, like, Senator Hyde-Smith's amendment on rural hospitals, I have an even stronger positive view about helping the fentanyl crisis. This is a crisis that is getting worse by the day. After our border collapsed in late January of this year, we have seen a market increase in fentanyl overdoses and deaths in my home State of Tennessee. As this crisis continues to mount because of the current Administration's lack of attention to the border and actually creating an open, and porous, and lawless system there, this problem continues to mount in a way that is causing deaths to children in my state and across this Nation. Funds are fungible. These are government funds, and certainly a higher priority would be to fight back against this crisis, much of which has been our own making, and push back against this in terms of supporting the end to fentanyl in our Nation and the overdoses and the deaths that it is causing. I urge everyone to support this amendment.

Chairwoman KLOBUCHAR. Alright. Thank you very much. Are there any other comments on this? Senator Cruz?

Senator CRUZ. Madam Chairwoman, I would just make the same point that I made on the previous amendment concerning rural hospitals, that the chair is arguing that it is not an either/or choice, and that is precisely the terms of Senator McConnell's amendment, which is the billions of dollars that Senate Democrats are voting to use of Federal funds to fund their own campaigns, Senator McConnell's amendment says, "shall instead be used to combat the trafficking of synthetic opioids." It is a choice: do you want billions of dollars to go to politicians, or do you want it to go to fight opioids? I think the answer is clear, and I think for our voters the

answer is clear, and yet, I suspect for Senate Democrats, given that choice, they want the money.

Chairwoman KLOBUCHAR. Okay. Any other comments? Senator King?

Senator KING. Madam Chair, I am delighted to hear the support for rural hospitals and opioid response, which is something I have been working on for—ever since I have been here, and I would hope if I introduced a bill tomorrow for appropriations for rural hospitals and opioid response, that my colleagues would join me in supporting that bill. We could make it an authorization and appropriation in one bite, and we could get this done, so I invite my colleagues to join me in that. Thank you.

Chairwoman KLOBUCHAR. Senator Ossoff?

Senator OSSOFF. I would just like to join Senator King in acknowledging that wherever we may stand on particular amendments to this bill, maybe this markup can be the start of an effort. Georgia has significant needs with respect to our rural hospitals as well, and we can debate what the right funding stream is. But I hope we can find common ground to save some of these institutions which have failed or are failing.

Chairwoman KLOBUCHAR. Okay. Very good. Any other—any other comments?

[No response.]

Chairwoman KLOBUCHAR. The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Senator SCHUMER. No.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

[No response.]

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator CRUZ. No by proxy.

The Clerk. Senator McConnell?

Senator CRUZ. Aye by proxy.

Chairwoman KLOBUCHAR. Oh, I was just going to let that go, Senator Cruz.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Next up, Senator Cruz.

Senator CRUZ. Thank you, Madam Chair. I call Cruz Number 6. Senator King asked earlier to see a more targeted amendment focused at preventing millions of illegal aliens from voting, which, as I stated, is the clear effect of what this language would do. This amendment strikes the immunity, strikes the amnesty created by this bill for registering illegal aliens. It strikes, in particular, Section 1015, which provides, in relevant part, "An individual shall not be prosecuted under any federal or state law, adversely affected in any civil adjudication, or subject to an allegation in any legal proceeding on any of the following grounds," and ground Number two is, "the individual is not eligible to vote in elections for Federal office, but was automatically registered to vote under this part."

This language on its face anticipates that people will be registered to vote when it is illegal for them to vote, and it creates a sweeping amnesty from prosecution under Federal law, from prosecution under state law, from civil liability. It is a blanket amnesty for what I believe will be the millions of illegal aliens that would be registered, contrary to law under this bill.

Chairwoman KLOBUCHAR. Discussion about this amendment? Senator Merkley was going to take this one, and he is finishing eating a snack. Okay. Here we are.

Senator MERKLEY. Thank you very much, Madam Chairwoman. The rest of the Snickers bar will wait. This safe harbor does ensure election integrity. It clearly states the protections in this bill do not extend to anyone who knowingly or willfully makes a false statement to register to vote or casts a ballot knowingly and willfully in violation of state and federal law. Earlier, we had in this committee the testimony from the Michigan Secretary of State, who outlined that they had six ways of trying to make sure that no one accidentally got registered, and I submitted that for the record earlier. I do not know if it is still handy or not. If it is, feel free, team, to pass me back the article.

But the reason they had these six checks was that they knew that even if a person said, no, do not register me, I am not eligible, and for some reason there was a computer mistake or a misreading of it, or who knows what kind of mistake, and that person was actually registered, they wanted to have second check, third check, fourth check to try to catch any errors. Their system was so effective that when a lawsuit-inspired review was done, it failed to find

anyone who had been registered accidentally. But if somebody was registered accidentally, and government is not perfect, it does make mistakes, then that person who did not willfully register, did not willfully vote when they were unable to vote, is—should not be held criminally liable for a mistake of the government, plain and simple.

Chairwoman KLOBUCHAR. Okay. Any more discussion?

[No response.]

Chairwoman KLOBUCHAR. The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator CRUZ. Aye by proxy.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

Chairwoman KLOBUCHAR. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Next up, I think, Senator Hyde-Smith. I also have a—I think another one by Senator Hagerty if you want to go first, Senator. Whatever you guys want to work out.

Senator HYDE-SMITH. Thank you, Madam Chairwoman. I go to Amendment Number 7, Hyde-Smith 7, and I call that amendment up. This is a—amendment provides an exception to the provision of the For the People Act that requires states to permit felons to vote. With this amendment, states would not be required to permit

felons who had been convicted of crimes against children to vote. It would create an exception to ensure that—ensures states that will not be required to let felons who committed crimes against children vote to—when you choose to commit such a terrible crime, you should face consequences and you should lose rights. You lose your right to liberty if you are incarcerated and subject to supervised release. You might lose your Second Amendment right to bear arms. Depending on the specific crime, you might lose your right to live in certain places, like near a school or church, and you lose your right to vote.

My colleagues on the other side of the aisle and I might disagree about the issue of felons voting broadly, but we may—might be able to agree on every crime—we may not be able to agree on every crime, but I hope we can agree on the crimes and the seriousness of crimes against children. That is what the amendment would do, and, therefore, I ask for a vote on my amendment to add an exception to the bill so the states can prevent felons convicted of crimes against children from voting.

Chairwoman KLOBUCHAR. Of course. Thank you, Senator Hyde-Smith. I have led a lot of bills about crimes against children as a former prosecutor for 8 years. But I want to make clear that this bill's provision actually—provision in For the People Act mirrors the policy right now in about 20 states, and that includes red states like Montana, North Dakota, and Utah, which permit formerly incarcerated people to vote once they are released. In 2018, in Florida, and I will note this was a year in Florida where voters elected a republican Governor, a Republican senator, but they also voted by nearly a 30-point margin to restore voting rights to persons convicted of felonies who had served their sentence, regardless of the crime.

The United States is the only Western democracy that permits the permanent denial of voting rights for individuals with felony convictions. What we are talking about here is, once someone has served their sentence and they are no longer incarcerated, that they should be allowed to vote again. It is an issue that has, maybe not surprisingly, garnered support clearly from Democratic and Republican voters all over the country. Any other comments? Senator Cruz?

Senator CRUZ. Madam Chair, I strongly support Senator Hyde-Smith's amendment. A number of states across the country have made the very reasonable decision that when people commit serious crimes, when they commit felonies, when they commit murders, when they commit horrific acts, that they forfeit their right to vote. What the corrupt politicians act does is strikes every one of those laws down, and it determines that a state cannot determine that there is any crime for which you forfeit your right to vote. I think Senator Hyde-Smith's amendment is very narrowly targeted when you think of the spectrum of crimes, those who commit crimes against children.

I spent a lot of years in law enforcement, like a number of people on this committee, and I will say the people who commit crimes against children, I think, belong in the ninth circle of hell. I think it is a very reasonable determination for a state to make that those who commit those crimes should forfeit their right to vote at a—

at a minimum. It is difficult to see why Senate Democrats are proposing that our democracy would be better off with more child molesters voting. We ought to agree that it is a reasonable determination for states to make, that there are some crimes horrific enough that you forfeit that right, and I urge support of the amendment.

Chairwoman KLOBUCHAR. Let me again make clear that anyone that is incarcerated would not be able to vote under this provision for any crime if they are incarcerated. Some of your language, Senator Cruz, when you talked about any crime, obviously people in there for serious crimes who are in prison for murder are not going to vote because they are in prison. People who are in prison for serious crimes against children, for any crime against children, if they are in prison, will not be able to vote. I just want to clarify that.

Senator CRUZ. Madam Chairwoman, would you yield for a question?

Chairwoman KLOBUCHAR. Senator Cruz, yes.

Senator CRUZ. Is it not the case that under this bill, the day a murderer is released from prison, the day a rapist is released from prison, the day a child molester is released from prison, this bill mandates that that felon be allowed to vote, even if the voters of that state have reached a contrary decision?

Chairwoman KLOBUCHAR. First of all, it is in Federal elections. Second, mandating, we cannot mandate anyone to vote. It is a voluntary choice to vote. Third, I will go back to my original argument, Senator Cruz. Twenty states, including Montana, North Dakota, Utah, including the State of Florida on a 30-point margin, 64-to-35 percent, voted to restore voting rights to people when they get out of prison. That is how it works.

Senator CRUZ. I would note—I would note that the Chairwoman declined to answer the question because—

Chairwoman KLOBUCHAR. I did not—I did not decline to answer.

Senator CRUZ [continuing]. the answer is, yes—

Chairwoman KLOBUCHAR. Oh my goodness.

Senator CRUZ. Right now, under this bill—

Chairwoman KLOBUCHAR. Senator Cruz, you said—I answered it because I believed your words were wrong.

Senator CRUZ. Under this bill.

Chairwoman KLOBUCHAR. Yes.

Senator CRUZ. No.

Chairwoman KLOBUCHAR. You said that they would be mandated—

Senator CRUZ. Madam Chairwoman, you are—

Chairwoman KLOBUCHAR. No one is mandated to vote.

Senator CRUZ. Madam Chairwoman, you are—you are—

Chairwoman KLOBUCHAR. No one is mandated to vote.

Senator CRUZ. You are a careful—you are a careful lawyer, and what I said what I said is it mandates that they be allowed to vote. In other words, it strikes down the state laws that restrict, that limit felons voting. Under this bill, the day a murderer, a mass murderer, is real from jail, that individual under this bill must be allowed to vote, true?

Chairwoman KLOBUCHAR. First of all, mass murderers do not happen to get out of jail very often. Could we make that clear?

Senator CRUZ. It is your position that people convicted of multiple murderers don't—

Chairwoman KLOBUCHAR. I will not concede that mass murderers are walking out of jail—

Senator CRUZ. How about child molesters?

The Chairwoman.—but I will say—

Senator CRUZ. How about Senator Hyde-Smith's child molesters? Are they released from jail?

Chairwoman KLOBUCHAR. What I am saying is—you are correct, Senator Cruz. When someone is released from jail, just like they are able to walk down the street, just like they are able to get a car, just like they are able to get a driver's license, just like they are able to exercise their other rights, yes, they are able to vote.

Senator CRUZ. I do not think our democracy is rendered better by having more murderers vote or, in this instance, more child molesters vote.

Chairwoman KLOBUCHAR. Alright. With that, maybe we should just call for a vote, or do we want to keep going? Senator King and then Senator Hagerty.

Senator KING. Because this is a narrowly drafted amendment which applies only to a certain class—I am a parent. I am going to support the amendment, but I assume this is not the first of 20 amendments that will specify different crimes. If this is a good faith amendment for this one purpose, I intend to vote in favor.

Senator HYDE-SMITH. That is right. This is the only crime in this particular amendment.

Senator KING. Well, I understand for this particular amendment, but are we going to be seeing 10 more in the course of this evening?

Senator HYDE-SMITH. You are not going to see 10 more from me.

Chairwoman KLOBUCHAR. Other people is his question.

Senator KING. Senator Cruz, do you know of other amendments being proposed along these lines?

Senator CRUZ. There are others that may be—

Senator KING. Well, I will take them one at a time. I do intend to support this.

Senator HYDE-SMITH. Thank you.

Chairwoman KLOBUCHAR. Okay.

Senator HAGERTY. Madam Chair, thank you. I just want to articulate for the committee my reasons for supporting Senator Hyde-Smith's amendment. I am from Tennessee, among the majority of states who do preclude felons from voting for certain heinous crimes, like murder. Imagine a murderer, a mass murderer, who has deprived others of ever having the opportunity to vote. It is certainly our prerogative as Tennesseans to make this a tough penalty, and for the Federal Government to come in and take this away, I think, is absolutely wrong. Senator Hyde-Smith, I appreciate your introducing this amendment. Thank you.

Chairwoman KLOBUCHAR. Okay. The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. Aye.

The Clerk. Senator Merkley?

Chairwoman KLOBUCHAR. No. Sorry. Go ahead, Jeff.

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator CRUZ. Aye by proxy.

The Clerk. Senator McConnell?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Shelby?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 10 ayes; 8 noes.

Chairwoman KLOBUCHAR. The amendment is passed.

Next up, Senator Hagerty. Oh, Senator Cruz. Okay.

Senator CRUZ. Since we were just discussing this, Senator King asked if there were any more, I have several more, but I will—in the interest of his request, I will introduce just one of them, which is, I call up Cruz 16, which is very similar, but what this does is it does not displace state laws restricting the right to vote for murderers. The terms of the amendment say, “This subtitle shall not apply to any person convicted of a felony murderer offense under Federal or state law.” By any measure, murder is the gravest of the criminal offenses. I would argue on the same provisions that we should not have those who commit crimes against children, that murderers should likewise—Congress should not be restricting the ability of states to determine that murder is a sufficiently grave offense to restrict or forfeit your right to vote.

Chairwoman KLOBUCHAR. Alright. Again, I will go back to the place I started in that 20 states permit formerly incarcerated people to vote once released, and you can go through crime by crime if you want, Senator Cruz, but I think the simplest way to do this is say, once you have served your time and you have been deemed

by the state to be allowed to be released, that your voting rights are restored.

Senator CRUZ. Madam Chairwoman, I will point out that when you say 20 states allow criminals who are released from prison to vote, that, if my math is right, means 30 states do not, and this bill is repealing the laws of 30 states that reflect the values of their citizens.

Chairwoman KLOBUCHAR. Okay. I do not really know if that is true when you look at that vote in Florida, which, as I noted, was the same election where a Republican senator and a Republican Governor were elected. The people on a ballot measure voted 64 to 35 percent. To me, that is a pretty good model.

Senator CRUZ. Yes, I agree the states can change their laws. That is—that is their prerogative, but we should not be repealing them all.

Chairwoman KLOBUCHAR. But you just said it reflected where people are. I do not think that is where people are. I think that we know—

Senator CRUZ. We should let them decide.

Chairwoman KLOBUCHAR. Okay. Alright. Anyone? Senator Merkley.

Senator MERKLEY. Madam Chair, it is an easy target for sure. The question we should be asking ourselves is, is society better off if a person who has served their time, and many, of course, who commit murder never leave prison, but have served their time, is reincorporated into society, and given a chance to be an upstanding member of the community, which probably reduces the chance of them committing additional crimes. I understand that this is the type of amendment that campaign ads can be written on, but many times across this country, legislatures and also, as we just heard in Florida, the citizens of states said, look, yes, we vote for severe penalties proportional to the crimes, but when people complete those penalties, we want them to succeed. Enabling them to participate in freedom of speech and helping to express their views on the future of our country is a pretty healthy engagement.

I do not have any studies to bring to bear, so perhaps I am wrong, but it is quite possible, I think, that those who are treated, as you have served your time, now be an upstanding member and participate in a productive way, which the ability to vote symbolizes, may well end up being far better contributors to society than if we extend eternal additional penalties beyond the sentences that the jury or judge imposed originally.

Senator KING. Senator Cruz, I have a question that plumbs the shallows of my knowledge of criminal law. I recall the term, “felony murder,” from law school as being a special category where if you are—if you are in the getaway car and somebody kills the clerk, you are guilty of something called felony murder. Did you mean to be that broad in your language here?

Senator CRUZ. It is not intended to be the specific category of felony murder. It is—it is—it is—the felonies that constitute murder is what the intention of that language is.

Senator KING. But it would include the case that I—

Chairwoman KLOBUCHAR. You are correct about felony murder, yes.

Senator KING. You are—you are the prosecutor. Okay. Thank you.

Chairwoman KLOBUCHAR. Are we ready for a vote? Okay.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator CRUZ. Aye by proxy.

The Clerk. Senator McConnell?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Shelby?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment fails.

Next up, Senator Hagerty.

Senator HAGERTY. Thank you, Chairwoman Klobuchar. I would like to call up Hagerty Amendment Number 19.

Chairwoman KLOBUCHAR. Amendment 19.

Senator HAGERTY. The bill that we are debating requires the counting of ballots for up to a week after Election Day. This opens the door for perpetual disputes on any election that is close. It also invites even more fraud. If you think about the example of ballot harvesters going out once they find an election is close, so long as that ballot is harvested and dated on Election Day, that ballot is going to be counted up to a week beyond the—beyond the election. I think this creates all the wrong incentives. It eviscerates con-

fidence in our electoral system, and I encourage you to support my vote to do away with this practice.

Chairwoman KLOBUCHAR. Any comments on this? Senator Merkley?

Senator MERKLEY. Thank you. I am just trying to examine what it is that is actually being struck on page 201 and 197. I have to—

Chairwoman KLOBUCHAR. Well, it would require that postmarked ballots be counted when mailed on or before Election Day and received within 10 days following the Election Day. It would strike that.

Senator MERKLEY. This provision came about, in part, because the Post Office was changing so many systems in a fashion that made people lack confidence that the ballots would be delivered on a timely basis. The provisions that were in the manager's amendment changed the timeline and made it shorter, which I would be happy, if there was bipartisan support for that, to put that amendment forward again, and it also shortened the timeline for curing ballots. "Curing" refers to when an election official looks at the signature on the mail-in ballot and says, I am not sure that is a match. They notify the voter and the voter has a chance to go down and say, no, no, that is now my signature. It is a difference—it has changed. My signature has changed over 20 years. Shortening those timelines might make sense, but we—but the—certainly the purpose—the fundamental purpose is, look, we are not going to let efforts to slow down mail service prevent people's votes from being legitimately counted.

Chairwoman KLOBUCHAR. I would also point out that in 2016, 21 percent of people voted by mail, and in the middle of the pandemic, really astoundingly, so many people voted, but 46 percent of voters. Think about that, more than double from 2016. Forty-six percent of voters cast their ballots by mail. I do not think a lot of them are going to want to go back. I think they found they could do it, and the problem is they will vote by mail more easily, but not if we make it harder for them to do it. This simply acknowledges the fact that we are going to see more and more vote by mail, which we, of course, have seen it big time in Oregon, and that this makes sure that these ballots will be counted.

There was a lot of confusion. I think everyone knows this. I know this happened in my state, a last-minute court decision because we had not done a lot of vote by mail, which we literally had to—everyone, Democrats and Republicans, had to, with four days to go, explain that people—the postmark date had changed and things had changed due to one court decision, which was unexpected in the last week. I just think this makes it clear for everyone when these will be counted, our bill. Senator Merkley?

Senator MERKLEY. Madam Chair, the extended timeline is often in place for counting military ballots, so it is not as if there is not a—already a precedent in many states for accommodating failure to deliver a ballot on time.

Chairwoman KLOBUCHAR. Right. Very good. Are we ready to vote? Oh, Senator—

Senator KING. As I read the provision in the bill, it simply ensures that someone who voted and did everything right, got it in before the date, postmarked, their vote counts.

Chairwoman KLOBUCHAR. That is correct.

Senator KING. It is through no fault of their own if the ballot does not get delivered on time.

Chairwoman KLOBUCHAR. As long as it is postmarked.

Senator KING. Right.

Chairwoman KLOBUCHAR. Yes.

Senator KING. Okay. Thank you.

Senator HAGERTY. No, it is not a postmark. It is the date on the ballot.

Senator KING. I think it says both, does it not?

Chairwoman KLOBUCHAR. That postmarked ballots be counted when mailed on or before Election Day.

Senator HAGERTY. Senator King, it would be either. Again, harvesters could go out—

Chairwoman KLOBUCHAR. On or before, but they can mail them on Election Day.

Senator HAGERTY [continuing]. get a ballot with a—with a written date, drop it in an unmanned drop box, and there you would be. That is why the incentive is wrong.

Chairwoman KLOBUCHAR. It has to be mailed on that day. It just has to be shown up by the Postal Service to show that it was that day or before.

Senator KING. Well, I guess my point would be the same. If it goes into a drop box prior to the election and it does not get collected for some reason, that is not the fault of the voter. Should their vote not—their vote count?

Senator HAGERTY. If it is actually dropped in the drop box by that date and can be verified, certainly it should be.

Chairwoman KLOBUCHAR. Okay. Alright.

Senator KING. I suspect the drop boxes will not be left sitting around after the day of the election.

Chairwoman KLOBUCHAR. Why do we not have a vote on this if we are okay? We discussed it.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator CRUZ. Aye by proxy.

The Clerk. Senator McConnell?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Shelby?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Okay. Any more amendments? Senator Cruz?

Senator CRUZ. Madam Chair, I call up Cruz Number 29.

Chairwoman KLOBUCHAR. Okay. Cruz Number 29.

Senator CRUZ. This would incorporate into the campaign finance provision the text of a bill I have submitted previously called the Free All Speech Act, which states that any law that restricts the political speech of American citizens shall apply with equal force to media corporations, and also that any law that is found invalid as to a media corporation shall likewise have no force or effect with respect to American citizens. There has been considerable discussion and debate over provisions of this bill that restrict the First Amendment rights, the free speech rights of American citizens, and this proposes that American citizens should not be treated as second-class citizens subject to more extensive restrictions than are found on the corporate media. The media should not receive what is, in effect, a corporate subsidy or corporate welfare of special treatment that the ordinary American citizen does not receive. Rather, the same standards of free speech should apply to everyone.

Chairwoman KLOBUCHAR. Okay. You know, there are these erroneous claims that this bill—that the campaign finance provisions somehow violate the First Amendment by censoring political speech. This amendment of yours, Senator Cruz, builds on those claims by seeking to extend any restriction on individuals' political speech to media corporations. This, to me, is done to score political points. Our major focus on this, as we debated ad nauseam in the last few hours, is on making sure that we get disclosure of mega donors who contribute more than \$10,000 to outside groups to spend on elections, and include protections to protect truly non-political contributions from disclosure. I oppose this amendment.

Any more discussion?

[No response.]

Chairwoman KLOBUCHAR. Okay. Why do not we call the vote?

The Clerk. Senator Feinstein?
 Chairwoman KLOBUCHAR. No by proxy.
 The Clerk. Senator Schumer?
 Chairwoman KLOBUCHAR. No by proxy.
 The Clerk. Senator Warner?
 Chairwoman KLOBUCHAR. No by proxy.
 The Clerk. Senator Leahy?
 Chairwoman KLOBUCHAR. No by proxy.
 The Clerk. Senator King?

Senator KING. No.
 The Clerk. Senator Merkley?
 Senator MERKLEY. No.
 The Clerk. Senator Padilla?
 Chairwoman KLOBUCHAR. No by proxy.
 The Clerk. Senator Ossoff?
 Senator OSSOFF. No.
 The Clerk. Senator Blunt?
 Senator CRUZ. Aye by proxy.
 The Clerk. Senator McConnell?
 Senator CRUZ. Aye by proxy.
 The Clerk. Senator Shelby?
 Senator CRUZ. Aye by proxy.
 The Clerk. Senator Cruz?
 Senator CRUZ. Aye.
 The Clerk. Senator Capito?
 Senator CRUZ. Aye by proxy.
 The Clerk. Senator Wicker?
 Senator WICKER. Aye.
 The Clerk. Senator Fischer?
 Senator FISCHER. Aye.
 The Clerk. Senator Hyde-Smith?
 Senator HYDE-SMITH. Aye.
 The Clerk. Senator Hagerty?
 Senator HAGERTY. Aye.
 The Clerk. Chairwoman Klobuchar?
 Chairwoman KLOBUCHAR. No.
 The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Next, Senator Hagerty, and then Senator Capito is here, and we have reached an agreement on the provision with people with disabilities, which I really appreciate. Senator Hagerty?

Senator HAGERTY. Thank you, Madam Chair. I would like to call up Hagerty Amendment Number 29.

Chairwoman KLOBUCHAR. Hagerty Amendment Number 29.

Senator HAGERTY. This amendment strikes the provisions in this bill that would call for redistricting. They would likely lead—these redistricting provisions would likely lead to a Federal court in Washington, DC, or a consultant that that court hires, redrawing all of the district lines across the United States. The bill sets up a complex process that removes from the elected representatives of the states—again, it removes from states whose elected representatives have drawn congressional districts in their states since time began here in America. My amendment would strike the redistricting provisions of the bill, which are likely to lead to a Federal

court in Washington, DC redrawing every congressional district in the United States. My amendment would instead keep democratically elected state representatives in charge of our election rules, which has been the case for over 230 years.

I am concerned that Democrat members of the unelected redistricting commissions that are embedded in this bill, who are charged with drawing congressional districts under the bill, would simply object to a map that is not gerrymandered in the most favorable way to Democrats. That would then deadlock the commission process and punt it to the court system. Specifically, it would punt it to a court in Washington, DC that is specifically charged with drawing all of these maps. The result then would be an unelected judge in Washington, DC, or a District Court consultant that the judge has specifically allowed to appoint, to draw the maps under this bill. They would be the ones in charge of drawing congressional districts in every state in the country instead of using a democratic state-specific process that has been in existence for the entirety of American history.

Why is that? Why do Democrats want this? Because they think this will lead a gerrymandered map, again, in their favor, again underscoring the fact that this is a massive power grab embedded in this bill. I urge everyone to support this amendment.

Chairwoman KLOBUCHAR. Senator Merkley?

Senator MERKLEY. Thank you, Madam Chairwoman. Americans across the political parties support ending the gerrymandering that attacks equal representation. It is a well-understood gimmick to basically cheat Americans of their fair representation at the Federal level. Remember, we are only talking the Federal level here. States can continue to do what they want for local elections because the Constitution, Article I, Section 4, only gives us power over congressional elections. I object to this amendment because it is designed to continue this corrupt practice of gerrymandering that—which we should end.

Chairwoman KLOBUCHAR. Okay. Should we call for a vote?

[No response.]

Chairwoman KLOBUCHAR. The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator CRUZ. Aye by proxy.

The Clerk. Senator McConnell?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Shelby?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Next up is an amendment, Klobuchar-Capito 7, it was originally. We made some changes to it. Is it still 7? Okay. This gets at Senator Capito's concern, which I thought was well taken and I shared it, about maintaining the status quo for military and overseas voters and voters with disabilities when it comes to options for ballot return. Now, the majority of states currently allow these voters to return ballots electronically, as Senator Capito has pointed out, and what this amendment would do, it would strike provisions of the bill that would have removed this option.

The amendment is narrowly tailored because the underlying provisions requiring all states to have voter-verifiable paper ballots is still essential—this has been a bipartisan effort for quite a while with Senator Lankford and myself, Senator Burr, and Senator Warner, and Senator Graham actually, to try to get these remaining states to have backup paper ballots. Most of our states have them. We do not want to stop that in its tracks. In fact, we want to get the paper ballots, but I think we have to acknowledge that, despite the fact that they are a baseline of election security, that you have some voters that that is difficult to use.

This amendment would ensure that the requirement for voter-verifiable paper ballots would not apply to the Uniform Overseas Citizens Accessible Voting Act or to voters with disabilities who use these systems, and I want to thank Senator Capito for her good work on this. I do not know if you want to say anything.

Senator CAPITO. Yes. I want to thank the Chairwoman for working this out, and I urge a "yes" vote on this amendment.

Chairwoman KLOBUCHAR. Very good. Should we have a voice vote?

Senator CRUZ. Voice vote.

Chairwoman KLOBUCHAR. Very good.

All those in favor?

[Chorus of ayes.]

Chairwoman KLOBUCHAR. All those opposed?

[No response.]

Chairwoman KLOBUCHAR. The amendment passes. Thank you. I think Senator Capito has another amendment.

Senator CAPITO. I do. Thank you. I am offering an amendment to strike Section 1031, which would require all states to offer same-day voter registration. My state does a great job encouraging all eligible voters to register. I did notice that the registration numbers were up almost all across the country last year, including recent voter registration drives in our high schools. However, requiring same-day registration will not expand ballot access in our state due to an unequal and limited internet access in our polling stations.

Now, the Chairwoman and I have worked a lot on rural broadband, and we know that there are still areas of, particularly rural America, that still do not have access. If you are in rural America and you go to a polling place, and you want to register same day and there is no internet access, you really do not have the availability to do that, so you would not have equal access there. Almost 20 percent—this is not a number I am proud of—but almost 20 percent of West Virginians do not have access to reliable high-speed broadband. How can we expect our dedicated poll workers to provide same-day registration when that requires an internet connection?

Increasing access to broadband is something, as I have said, Chairwoman Klobuchar and I have worked closely on, and Senator King as well, and I am hoping that we will look at the same-day voter registration in the light of the, in my state, 20 percent of the people who do not have access, I would say, 20 percent of the polls if you extrapolated that—that might be aggressive, but we will use that figure—would not able—be able to equally offer that in a state such as mine. Thank you.

Chairwoman KLOBUCHAR. Okay. My state does have same-day registration, and, in fact, 21 states do, including Idaho, Iowa, Wyoming, and Utah. I bring them up because they are traditionally thought of as red states. I just think that if you really want to make it easier for people to vote, this is a great way to do it. I remember seeing a survey once showing states that had same-day registration, and it was the defining characteristic, whether they are a red state or blue state, that showed increased voter participation.

I will note that in my state, with the same-day registration, we have consistently had the highest voter turnout in the country. By the way, that has not just elected a Democratic senator, but also several Republican senators and, for years, Republican Governors, including Tim Pawlenty and Jesse Ventura with—I just said that for Senator King's sake. I did look up the bet that Senator King had with Jesse Ventura when it came to voter turnout, and I will say that Senator King ended up giving lobsters to Jesse Ventura. I was picturing the scene of Jesse Ventura eating the lobsters, but I will let that go.

This same-day registration has actually resulted in high voter turnout in the states that have it. I think it is a good idea. That is why we have included it because we think all voters in the country should be able to, at a minimum, have this ability. I would note that we, in answer to some of the issues raised about broadband connectivity and the like, in our manager's amendment, we in-

cluded an additional waiver for states that can apply for pushing the implementation deadline to 2026. We already pushed it for the small ones, and we are responding to that. Thank you.

Anything more? Should we vote?

Senator KING. I just wanted to comment. My state has same-day registration, and I am pretty confident that we have had it long before the internet. If somebody tries to register on Election Day—when I say “same day,” I mean Election Day registration—and they are trying to commit some kind of fraud, they are subject to punishment. I am not sure that lack of internet connection somehow renders Election Day registration as an impossibility. It is something that has worked in our state for many years, and, as I mentioned, the Governor and the legislature in, I think, 2011 repealed it, and the people of Maine voted by referendum to restore it. I think it works, and, again, I do not think it is an accident that Maine and Minnesota have among the highest voting rates in the country.

Chairwoman KLOBUCHAR. Very good. Anyone else?

Senator MERKLEY. Madam Chair?

Chairwoman KLOBUCHAR. Senator Merkley?

Senator MERKLEY. Senator, we had a provision that responded to concerns in the manager’s amendment, that could be pulled out as a—as a standalone amendment, that extends for polling locations, extends to 2024, and with the waiver, 2026. Perhaps that would be a way to address this. I do know that in various states that have same-day registration, they are able to do it in places that do not have internet connection, and so I do not—as Senator King just testified to. But this still would give an additional five years to figure—you know, to look at those models and try to make sure we are addressing it in a—in a serious way. I certainly would be happy to partner with you in such an amendment.

Senator CAPITO. Well, I appreciate that. I think I will just stick with my original amendment. I am really responding to concerns that my Secretary of State has brought forward. I think he mentioned this in his testimony. At this point I appreciate the offer. I will just go ahead and stick with this, see what happens, and then maybe—if it does not pass, maybe we can work together.

Chairwoman KLOBUCHAR. Okay. The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator CRUZ. Aye by proxy.

The Clerk. Senator McConnell?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Shelby?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not passed.

Next, we go on to Senator Cruz.

Senator CRUZ. Thank you, Madam Chair. I call up Cruz 34.

Chairwoman KLOBUCHAR. Cruz 34.

Senator CRUZ. You know, there has quite a bit of discussion about disclosure and also about Super PACs, and this is a bill that I have introduced every Congress since I have been here. It is entitled, "The Super PAC Elimination Act." Right now, the current way that elections proceed in this country is really asinine where we have Super PACs that are allowed to spend unlimited sums. It is illegal for candidates to communicate with those Super PACs. Most, if not all, of us follow the law, which means we do not communicate with those Super PACs, and we end up in elections where a very significant percentage, and in a lot of elections, the majority of the money spent is spent by a Super PAC that it is illegal for us to talk to. If the Super PAC happens to be supporting you, you hope they say something that vaguely resembles what you actually believe or what you want to run on, and you are not allowed to say things one way or the other to change it. This makes no sense. No one would design a system like this.

What the Super PAC Elimination Act does is two things. Number one, it allows unlimited individual donations to campaigns, not from corporations, not from entities, from individuals, from human beings, unlimited individual contributions to campaigns. Number two, it requires immediate 24-hour disclosure of those contributions. If an individual makes a contribution to the Ossoff campaign, to the King campaign, that gets disclosed. It has to be a real human being, not a corporation. Although this legislation does not ban Super PACs, as a practical matter, Super PACs would cease to exist or be much, much, much less important.

Every one of us knows, given a choice between being able to expend the funds in your own campaign where you can control what you are saying, versus some other entity that pays more expensive

media prices that often waste money—by the way, one of the hugest beneficiaries of the Super PAC regime right now are political consultants. Because candidates cannot talk with them, the consultants earn massive fees in these Super PACs because no one is engaged in oversight. As a practical matter, it would make much more sense to have contributions directly to the—to the candidate and have those disclosed.

I would note in the State of Texas, state elections are conducted this way. There are unlimited individual contributions. They are disclosed, not 24 hours like this bill, but they are disclosed promptly. If you have an individual that writes a big check, there are natural political responses that you end up having ads saying, so and so wrote a big check behind this campaign, whether it is a trial lawyer, or this person, or that person, and it puts candidates in charge of their own campaigns. We heard a lot of talk about wanting disclosure. This, as a practical matter, would shift almost everything to the disclosure regime.

I will point out also that the degree of how the current system is abused was illustrated in a May 3, 2021 article in the New York Times, entitled, “Swiss Billionaire Quietly Becomes Influential Force Among Democrats.” I would ask unanimous consent that that article be made part of this record.

Senator MERKLEY. [Presiding.] Without objection. No objection.

[The information referred to was submitted for the record.]

Senator CRUZ. That article describes how a Swiss billionaire over the last four years has given \$208 million through left-wing nonprofits to elect Democrats. Two hundred and eight million dollars from one foreign billionaire. That makes no sense, and until recently, it was never disclosed. No one had ever heard of this guy, although I suspect maybe some on the other side of the aisle had heard of this guy. I certainly never had.

[Laughter.]

Senator CRUZ. This would be a far more sensible situation where you actually have candidates responsible for their own messages, and you have disclosures so the voters could hold us accountable.

Senator KING. Would the senator apply the same principle to 501—

Senator MERKLEY. The senator from Maine?

Senator KING. Would the senator apply the same principle to 501(c)(4)’s so everything would be in campaign—no outside groups can electioneer?

Senator CRUZ. I would not because the Supreme Court has drawn a very clear distinction that you can—you can constitutionally impose disclosure requirements on contributions to campaigns. You cannot constitutionally impose disclosure requirements on third parties, on groups like the NAACP. We talked a great deal about the *NAACP v. Alabama* case, or the exchange I had with the senator from Georgia concerning Planned Parenthood, or concerning the Sierra Club, or concerning the NRA, or concerning the Brady Center. On virtually every issue, the political players, whether it is on issues of abortion, or issues of guns, or what have you, there are groups on both sides that are engaged, that care about issues, and the Supreme Court has made clear that they have a constitutional right to raise money, and, if they so choose,

not to have their donors forcibly disclosed. The Supreme Court has likewise said that if someone contributes to a campaign, that can be disclosed. That is why I draw the distinction here.

As a practical matter, what this would mean, there would still be players that are speaking. Planned Parenthood would continue to run ads saying elect senators who support abortion, but they are, by all—by all acknowledgement, a genuine group of individuals who care about that issue and have a constitutional right to speak about it. What would go away is what Senator Ossoff referred to, which is sort of the, like, special Super PAC to elect Jon Ossoff or to defeat Jon Ossoff. That, as a practical matter, would go away because every one of us would much prefer a contribution to our campaign where we could spend it.

Also—this bill would also result, I think, in a lot fewer negative ads in politics, not eliminate them altogether, but every one of us knows that if you are running the ad, you are a lot more hesitant to go hard negative than if some third party Super PAC is doing it. I think you would get more campaign ads and campaigns run saying, here is what I believe, here is what I believe, voters, you decide. It makes a lot more sense than the current status quo, which is all of this money being spent that is unaccountable and completely separate from what we—what we may or may not believe.

Senator MERKLEY. Other discussion?

[No response.]

Senator MERKLEY. Senator, to clarify, this strikes down all campaign donation limits.

Senator CRUZ. For individuals, so corporations are prohibited. It is individuals are allowed to make unlimited contributions directly to campaigns, but it attaches that, so it is tied to a 24-hour disclosure provision, so that the instant that contribution is made, or 24 hours later, it is public and the public can hold them accountable.

Senator MERKLEY. Senator, thank you for that clarification. The Supreme Court in its positions on Citizens United, did so on the assumption that it is likely that Congress would require that money to be disclosed, and that would not be corrupting because it was spent independently of candidates, and, thus, the distinction in the law. I say this as a—as a non-lawyer, so feel free to correct my understanding. But my reading of that case is they said when a very wealthy person gives a huge sum directly to a candidate, that that huge sum creates an indebtedness that is corrupting, and that, rather, it taints the process of the individual serving the public rather than serving the person who gave them a massive amount. I think under what you have proposed, a billionaire could give me \$1 million dollars, or, for that matter, \$100 million. Am I—am I correct?

Senator CRUZ. They could, just like the Swiss billionaire at issue gave \$200 million to elect Democrats, and my understanding is, principally, Senate Democrats. The very fact that we are having this hearing with a Democratic chairwoman, who was financed to the tune of one-fifth of \$1 billion by a foreign billionaire.

Senator MERKLEY. The position I would take on this is to oppose your amendment. I do think that the unlimited sums that can be given to third-party campaigns are corrupting. I disagree with the

Supreme Court saying they are not corrupting. What is in the bill now strengthens the division, strengthens the coordination, strengthens the wall preventing the coordination between the candidate and the Super PAC. I would like to see that law—that law be stronger than it is. That is struck down by your amendment. I—and I do not feel that it is productive for us to simply replace that form of corrupting influence on campaigns with an even more corrupting form of direct donation and even more—I know I am elected because I got \$100 million from so-and-so or a million dollars. These are untold sums.

You know, I live in a blue collar community where people rarely give the \$200 into a campaign, and across the country, when citizens are asked, they say stop billionaires from buying elections. I am afraid that what your amendment boils down to is we let billionaires do it. They have to disclose it, which disclosure is good, but I am against billionaires buying elections. Since this strikes down McCain-Feingold and the effort to protect the integrity of our of our Republic, I will oppose your amendment.

Other discussion? The senator from Maine?

Senator KING. Senator, I appreciate your thinking on this and that you are attacking the problem of Super PACs. I understand that. My problem is that if you leave (c)(4)'s totally alone as they are under the current law, under the rubric that they are issue oriented and not candidate oriented, to me, that just drives a huge hole through your—through your argument. Either—to me, it should be everything in one wrapper of the campaign or not. You know, frankly, I need to think about the issue of unlimited contributions. But my problem with your proposal is that it deals with two-thirds of the issue, but not the remaining third.

Senator CRUZ. I will point out there is nothing in this amendment or this legislation that alters in any way the current law concerning third party groups. It does not—

Senator KING. That is the problem.

Senator CRUZ. Well, but the Supreme Court has said that efforts to restrict that are unconstitutional. I agree with the Supreme Court in that, but a law that this Congress passed that attempted to prohibit individual citizens or groups of citizens from speaking about elections would be struck down as unconstitutional under clear Supreme Court precedent. What this is—this amendment is clearly constitutional under Supreme Court precedent, and would it solve every issue in campaigns? No, but, as a practical matter, it would eliminate, or all but eliminate, most of the Super PACs that play in elections because—and the status quo is even sillier because what both parties do is you are allowed to, under campaign finance laws, introduce donors to a Super PAC. You are allowed to say something like, the folks running this PAC are really good people who I like and trust, and they are just fantastic, and, you know, they wear really nice cologne. What you are not allowed to do as a Federal candidate is make any request for money in excess of the Federal limits, and so I assume all of us comply with that.

But in the Presidential races, what both sides do, what Donald Trump did and what Joe Biden did, is you introduce the donors to the Super PAC, and then you say, oh, I got to leave now and let

them make the ask, and it is idiotic. It makes no sense on either side, and nobody would set this up. If you were sitting down designing it, nobody would say, let us have these third party groups, the candidates effectively raising money into them, but not able to talk with them about it, and a bunch of consultants becoming multi-millionaires. That is—that is the situation right now.

This amendment gets rid of that. As a practical matter, if you had a choice between introducing a donor to a Super PAC or just saying, you know, would you contribute to my campaign because here is what I believe in, you would much prefer doing it. The Super PACs that play in just about every race would disappear, and we would have a level of transparency we do not have right now. If you measure it from a degree of candidate control of our messaging, it is better. If you measure it from a degree of transparency to the voter, it is better. If you measure it from a degree of limiting the corruption from political consultants, it is better. It is a system that, I think, makes a whole lot more sense.

Chairwoman KLOBUCHAR. [Presiding.] Okay. I think we are ready to call a vote, okay? The clerk will call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator CRUZ. Aye by proxy.

The Clerk. Senator McConnell?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Shelby?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment fails.

Next up, I think Senator Hagerty. Is that right?

Senator HAGERTY. Thank you, Madam Chair. I would like to call up Hagerty Amendment Number 21.

Chairwoman KLOBUCHAR. Hagerty Amendment Number 21.

Senator HAGERTY. As we know, the bill that we are discussing requires every jurisdiction to use ballot drop boxes for mail-in ballots, and nothing precludes these ballot drop boxes from being placed on street corners, back alleys, any place that is not subject to surveillance or security. These ballot drop boxes have to be available 24/7. If you think about it in the context of the last amendment we discussed in terms of mail-in ballots, what this would allow is ballot harvesters to go out, and, you know, the requirement is either a ballot has to be postmarked or dated as of Election Day. They could collect as many ballots they want, see what they need, and drop in hand-dated ballots a few days after Election Day into one of these unmarked ballot boxes, again, not subject to surveillance. This creates all kinds of opportunity for fraud. What my bill would—what my amendment would do would be to eliminate unmanned, un-surveilled ballot drop boxes. I encourage you to support my amendment.

Chairwoman KLOBUCHAR. Okay. Well, this amendment strikes an important section in this bill, which requires all states to provide a baseline number of secure, accessible, and in-person drop boxes. I thought about this when I read about the Texas story during the election of the one drop box in Harris County, which includes Houston, which is something like five million people. For me, that would be like putting, as I told my constituents, one drop box in the middle of Bemidji, Minnesota, and everyone had to go to that one. Now, it is geographically a bigger area, but it does not make any sense at all.

What we have done here is to respond to this, what I consider, untrue—untruths about these drop boxes. They are safe. They are a secure, convenient option for voters, and we actually extended the timeline and made changes to the bill in response to issues that had been raised about the drop boxes. But overall, it is a really good way for people to be able to vote, and so this would gut that part of the bill. Are we ready to vote? Excellent. Okay.

The clerk call the roll.

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator CRUZ. Aye by proxy.

The Clerk. Senator McConnell?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Shelby?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CRUZ. Aye by proxy.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Chairwoman KLOBUCHAR. Aye by proxy.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment does not pass.

I think we have left—Senator Cruz has a few more amendments, and I think that may be the end here soon.

Senator CRUZ. Madam Chair, I have got right now three different amendments that Senator King has suggested he may be open to, and I am hopeful maybe that will prove the case. Let us start with Cruz 28.

Chairwoman KLOBUCHAR. Cruz 28.

Senator CRUZ. Cruz 28. Right now, on the language creating a pool of individuals eligible to serve as a member of the redistricting commission, the text provides that individuals have to disclose, and it is relevant to whether they can serve on it, any involvement with or financial support of professional, social, political, religious, or community organizations or causes. What this amendment does is strikes the word “religious.” I do not believe the government has any business making an inquiry as to the religious faith of its citizens and to determine that there are too many people of one particular faith serving on a redistricting commission, or too many people who support their church, whatever faith or denomination that might be, I think, would both be unconstitutional and very bad policy.

Chairwoman KLOBUCHAR. Well, it is not just Senator King that supports this amendment. I support your amendment, Senator Cruz.

Senator CRUZ. Good. Truly, miracles never cease.

Chairwoman KLOBUCHAR. There you are. Alright. Any discussion or should we just—do you want a voice vote?

Senator CRUZ. A voice vote would be fine.

Chairwoman KLOBUCHAR. Okay.

All those in favor?

[Chorus of ayes.]

Chairwoman KLOBUCHAR. All those opposed?

[No response.]

Chairwoman KLOBUCHAR. The amendment passes.

Senator CRUZ. Excellent. Let us—Cruz 36 is the next one.

Chairwoman KLOBUCHAR. Cruz 36.

Senator CRUZ. This inserts, as a condition of receiving the Federal Government matching funds, that the candidate files with the Commission a certification that the candidate will not use campaign funds to directly or indirectly pay salaries, fees, consulting expenses, or any other compensation for services rendered to themselves, family members, including spouses, as well as children, parents, siblings, or any of their spouses, or entity or organization in which they an ownership interest. The purpose of this is simply to prevent those Federal funds from being used to enrich a candidate or enrich his or her immediate family.

Chairwoman KLOBUCHAR. Again, this is your lucky day, Senator Cruz. I also support this amendment.

Senator KING. Madam Chair?

Chairwoman KLOBUCHAR. Senator King?

Senator KING. I would point out, Madam Chair, that Mr.—Senator Hagerty has Amendment 30, which is very similar, so he should be here to—

Chairwoman KLOBUCHAR. Yes. I think there is a difference on this.

Senator CRUZ. Senator Hagerty is a wise man.

Senator KING. I am not suggesting passing both.

Chairwoman KLOBUCHAR. Yes.

Senator KING. I am just saying he is registering a success. Thank you.

Chairwoman KLOBUCHAR. Okay. Very good. Anyone else?

[No response.]

Chairwoman KLOBUCHAR. Alright. Could we have a voice vote?

Senator CRUZ. Sure.

Chairwoman KLOBUCHAR. All those in favor?

[Chorus of ayes.]

Chairwoman KLOBUCHAR. All those opposed?

[No response.]

Chairwoman KLOBUCHAR. The amendment passes.

Senator CRUZ. Okay. The third amendment I would like to call up is Cruz 24. Cruz 24 is my amendment on ballot harvesting, and I have a second-degree amendment that strikes all the language of original amendment. It incorporates Senator Hagerty's amendment that he brought forward, and it includes the friendly amendment that Senator King suggested in that it eliminates the words "or volunteered for." It contains the text of Senator Hagerty's amendment without the language, "or volunteered for."

Senator MERKLEY. Do we—do we have a copy of this written out?

Chairwoman KLOBUCHAR. Yes.

Senator CRUZ. I have it.

Chairwoman KLOBUCHAR. We are passing it around. This was the discussion that Senator King and Senator Cruz had early on. We had voted against this amendment. I still have concerns

against this—about this amendment, but I know that Senator King has been working with Senator Cruz.

Senator KING. Does the Senator want to take a minute?

Chairwoman KLOBUCHAR. Yes, why do we not take a minute so he can look at it, so everyone can look at it?

[Pause.]

Senator CRUZ. Yes, I am eliminating all of—24 is just the vehicle. I delete all of it and plug in Hagerty's language and then take out the words you suggested.

Senator KING.

[Off audio.]

Senator CRUZ. Yes.

Senator KING. Sorry. What I just said.

Senator MERKLEY. A question to the sponsor from Texas. This does not just ban paid individuals. In other words, they are paid either by salary, or they are paid by hourly wages, or they are paid by ballot, because I support that. I thought that is what was going to come out of this conversation, that no one can be paid to collect ballots, that that is a—too much of an incentive to run something like that North Carolina operation, which, again, was not because it was illegal to pick up ballots. It was—it was because they picked up unsealed ballots. They picked up ballots that had not been voted, and they committed felony acts in the course of it. By the way, the underlying bill does say that you cannot pick up a ballot unless it has been voted and unless it has been sealed.

But what I am—if I am—if I have the right piece of paper, it did not come out banning paid collectors in any form because I do support that, such a ban, and I would be happy to partner with you on that. But it says anyone who has been in the political process who got paid on a campaign, or a political party, or a similar organization. I do not know what all is included in the "similar organization," that for a year, they cannot be a volunteer who goes out. Say, somebody is in—if I understand this right, and I just—I say this to clarify the example. Let us say in January, I am working in Alaska, working for a ballot initiative, who knows what. Something. Cannabis. Then I go back home to Texas, and a year later, I still cannot volunteer to be able to pick up my parents' ballot or my neighbors' ballot and drop it off when they ask me to do so.

Senator CRUZ. Well, I will let Senator Hagerty address some of this since it is his language originally, and I was trying to find a way, based on Senator King's comment about an offer of a friendly amendment, to find some common ground. But I will note that you said this means you could not volunteer. That is what the original language means, but after Senator King's amendment taking out the "or volunteers for" language, what it means is you cannot have been a paid political operative within the—within the preceding year.

Senator MERKLEY. Yes.

Senator CRUZ. The set of people who are paid political operatives, who are paid staffers either for our campaigns or for parties, is a fairly small and limited set. People can volunteer, and volunteers, at Senator King's urging, have been omitted from this. But if you are a paid operative for the next year, you cannot handle ballots of someone else that is not a family member.

Senator MERKLEY. To my colleague, Senator Hagerty, I fully support banning paid collectors, paid in any form, but under the construction I am seeing before me right now, it says somebody who 364 days ago, they have been—they have been not a political operative. They have not been—if they have not been employed by anybody on a campaign, or initiative, or a political party for 364 days, they still could not be a volunteer who goes out and helps the neighbor drop off their ballot. If you—if you choose down the line, maybe on the floor, to ban paid collectors, paid in any form, I am with you, but, for me, this is too broad.

Senator HAGERTY. Senator Merkley, I appreciate your comment. I would certainly be willing to shorten the window of time, but the objective of this is trying to prevent a revolving door where a person gets paid, steps out and goes ballot harvesting, comes back, paid again. That is what I am trying to address. I am happy to shorten the timeframe.

Senator MERKLEY. I see—I see your point. You are saying that maybe on Tuesday you are paid and on Wednesday you volunteer?

Senator HAGERTY. That type of thing is what this is aimed at dealing with.

Senator MERKLEY. If you would shorten it to a month, I would support your amendment.

Senator HAGERTY. Agreed.

Chairwoman KLOBUCHAR. Under the rules——

Senator OSSOFF. Madam Chair——

Chairwoman KLOBUCHAR. We have been really good about following them. We are going to have to put it in writing. Senator Ossoff, if I could explain. We should do that very quickly if that is what we are going to do, and then Senator Cruz will have to change the language or use another amendment. We are almost done here. I think we could maybe go to final passage. We could also vote on this. We could get the language to the point where people agree, go to vote, come back, do that amendment, and then do final passage if we want. We will bring the other members back for this.

Senator CRUZ. I will have a couple more, but I am nearing the end.

Chairwoman KLOBUCHAR. Oh, okay. Do you want to—could we——

Senator CRUZ. But I will note what Senator Merkley said a minute ago, that he would be willing to support an amendment that prohibits paid harvesters. The original amendment, my Amendment 24, does precisely that. What it says is, “and so long as the person designated to return the ballot does not receive compensation in any capacity for the collection and delivery of such ballots.” I think that is pretty much exactly what Senator Merkley said he would support.

Chairwoman KLOBUCHAR. Could we—if you have a—other amendments, Senator Cruz, maybe you want to keep going with those right now, and then we will once again allow for some re-drafting here. Is that what we want to do? Senator Merkley? What, is this——

Senator MERKLEY. The amendment from Senator Cruz says, “so long as the person designated to return the ballot does not receive

compensation in any capacity for the collection and delivery of such ballot.” I want to make sure about where it is inserted, but that sounds on the surface like it addresses the point I am making.

Chairwoman KLOBUCHAR. Okay. Do you want to just—what I would just suggest, so we can make sure and everyone can review this, that we go to whatever other amendment you have and everyone—

Senator CRUZ. Sure, and maybe what I could do is work with Senator Hagerty and see if we can combine—

The Chairwoman.—and hope we get to the vote on this, so let us just hold off for a minute. Senator Merkley, your staff can talk—

Senator CRUZ. Senator King, I am happy to work with—

Chairwoman KLOBUCHAR. Well, no, no. Senator King, yes, of course. Senator King. Exactly. I am trying to move us along. People are getting their amendments adopted so we can go to the final passage vote, so that is all I am doing here. Okay. Senator Cruz?

Senator CRUZ. I would like to call up Cruz 41. Cruz 41 addresses Big Tech and Big Tech’s manipulation of elections. It includes findings about Big Tech’s role in elections, and it requires a report from the Election Assistance Commission to study the influence of dominant technology platforms on the 2020 election, including an audit of election-related activity taken by platforms or search engines who market—whose market valuation exceeds \$10 billion, and the extent of bias in search algorithms impressions or content moderation on such dominant technology platforms.

Chairwoman KLOBUCHAR. I just want to point out here the Election Assistance Commission is a bipartisan entity with its limited resources focused on conducting our elections, and is not equipped to make projections on bias. This amendment is an effort to reinvigorate claims used before the 2020 election that social media is biased against or censors conservative voices online. I think—I have some credibility as I have been one of the lead people to call for change with the social media companies, but I do not think this is the way to do it.

Senator CRUZ. Is the Chairwoman saying that you would oppose any report on social media bias and election interference by Big Tech?

Chairwoman KLOBUCHAR. I am saying that I oppose this amendment, so.

Senator CRUZ. Would the Chairwoman support an amendment assigning the responsibility to the Department of Justice or the Federal Trade Commission? Do you believe it is the wrong entity?

Chairwoman KLOBUCHAR. I am not a negotiating this amendment right now. I am trying to work—

Senator CRUZ. I am asking a question.

Chairwoman KLOBUCHAR. Okay. Again, I am not negotiating this amendment right now. We have a number of fruitful investigations going on on things we can agree on. I would note that a 2021 report out of New York finds that—New York University finds there is no reliable evidence to support claims of bias against conservatives, and further finds that conservative voices are often dominant in social media.

Okay. Do we want to have a vote on this? Okay.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Senator FEINSTEIN. No.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Yes.

The Clerk. Senator McConnell?

Senator BLUNT. Yes by proxy.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Hyde-Smith?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Hagerty?

Senator BLUNT. Aye by proxy.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not adopted.

Senator Blunt and I have been talking, and I think we are going to call everyone up for a potential vote. We still have the issue to work out, Senator King's issue, which he has been active on here with Senator Cruz, but so that we are ready for a final vote.

I will note that it just became public that Senator Leahy's wife has started chemotherapy for leukemia, and so that is why he has not been here today. I am trying to be respectful of his situation, and I am hoping that we can come to an end soon. Go ahead, Senator Cruz.

Senator CRUZ. The next amendment I call up is Cruz 8. Cruz 8 addresses one particular example. There has been a lot of discussion about billionaires buying elections. Well, one of the most egregious potential circumstances of that in 2020 concerned Mark Zuckerberg, the billionaire owner of Facebook, one of the richest people on the face of the planet. In 2020, Mark Zuckerberg donated over \$350 million to the Center for Technology and Civic Life, a

nonprofit founded by former staffers of a Democratic technology firm. Three hundred and fifty million dollars is real money in any election.

Zuckerberg's money was used to fund election administration across the country, including staff, ballot scanning machines, equipment to process mail ballots, drive-through voting locations, drop boxes, and more. Strikingly, it appears that the money was spent in a massively partisan manner to drive up Democratic turnout, that this \$350 million was spent specifically to increase Democratic turnout.

According to Capital Research Center, "Across the board, CTCL's grants favored the biggest, most vote rich Democratic counties, which helped turn out the most left-leaning voters in United States history. Texas provides a particularly egregious example of partisan funding." Again, according to the Capital Research Center, "CTCL funded 8 of the 10 most populous counties in Texas. The two that did not receive Zuch Bucks," and this is, again, a quote, "Collin and Denton Counties were the only two of the 10 that Trump won." In other words, Mr. Zuckerberg, a multi-billionaire, spent \$350 million in a partisan manner to turn out Democratic voters in a way that may very well have altered the outcome of the election. This amendment creates a task force to examine the impact of this \$350 million and the extent to which it was spent in an overtly partisan manner.

Chairwoman KLOBUCHAR. Anyone want to comment on this?

Senator MERKLEY. I would be—I would be happy to, Madam Chair. I do not know the details surrounding this particular case, but I am very concerned about a couple things. One is that this amendment strikes Section 1017, which grants \$500 million to implement automatic voter registration, and I think funding to help the states implement automatic voter registration, authorizing that, is important. We have heard that from secretaries of state across the country, and to fulfill their requests, we need to make sure we not just authorize, but we follow on with appropriations. I am also concerned that this targets a specific individual. We could have a parallel bill, if we wanted to be purely partisan, targeting somebody who has done significant work on the Republican side of the aisle, but I think that it is not well served to have bills that target individuals. For those two reasons, I oppose this amendment.

Senator CRUZ. You know, I will note for Senator Merkley that I would be willing to eliminate the first provision to which you raised an objection if you were willing to go along with the second portion of it, which is calling for a bipartisan task force, and it is explicitly bipartisan, to investigate the private funding of election administration. I think having billionaires actually administering elections is a very dangerous threshold that we have crossed into in a big, big way. I think it is—and the reason this specifies Zuckerberg and the \$350 million is that is far and away the most dramatic example of that. I am not aware of another precedent in modern times for a billionaire playing that kind of role in directly administering our elections, particularly when, on the face of it, it appears there is a sharp partisan bias in how that money was spent.

Senator MERKLEY. I am happy to follow-up with you in learning more about this and having an investigation that looks at practices that we find suspect on both sides of the aisle and not going after individuals, but going after a full understanding of those practices. But that would take a much longer conversation, so I cannot take you up at this moment.

Senator CRUZ. I would ask for a vote.

Chairwoman KLOBUCHAR. Okay. Great. We will do this vote, and then I was just talking to Senator Blunt. I think you have not voted yet, Senator Cruz, right, on the floor?

Senator CRUZ. I have not.

Chairwoman KLOBUCHAR. Nor has Senator King, which we have to remember you are there. We are going to adjourn for——

Senator CRUZ. I have not forgotten you, Angus.

Chairwoman KLOBUCHAR. We are going to adjourn for 15 minutes to vote. We will come back, and, as I said, I hope we will—we are going to recess for 15 minutes. Then I hope that we will come back and be moving toward final passage. We have to have this one vote first on the Cruz amendment, which I think we are nearing agreement on. Is that right, Senator Merkley?

Senator MERKLEY. We are right now on——

Chairwoman KLOBUCHAR. No, not on this one.

Senator MERKLEY. Yes.

Chairwoman KLOBUCHAR. On the—on the original one that Senator King is talking about. We do not have to talk about it right now. It is just——

Senator MERKLEY. Yes, I do—I do have a question for Senator Cruz, but if his answer is what I anticipate, I think his language does it.

Chairwoman KLOBUCHAR. Okay. Alright. Well, could you two talk and put it on the record when we come back?

Senator MERKLEY. Yes.

Chairwoman KLOBUCHAR. Alright. We will have a vote on this, and the clerk will call the roll.

The Clerk. Senator Feinstein?

[No response.]

The Clerk. Senator Feinstein?

Chairwoman KLOBUCHAR. No.

Senator FEINSTEIN. No.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Leahy?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Yes.

The Clerk. Senator McConnell?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Shelby?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator BLUNT. Is he here?

Voice. No.

Senator BLUNT. Aye by proxy.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. Thank you. The amendment fails, and now we will recess for 15 minutes. We will come back. I think all the members will join us at that point. We will hopefully get an agreement with Senator King, Merkley, and Cruz on this remaining amendment, and then we can hopefully move to final passage.

Senator BLUNT. If we—

Chairwoman KLOBUCHAR. You have many more, Senator Cruz?

Senator CRUZ. One or two.

Chairwoman KLOBUCHAR. One or two. Okay. We are going to hold you to that, alright?

Senator CAPITO. Do what?

Chairwoman KLOBUCHAR. Amendments, he has. It was a reaction. Okay. We are going to recess. We are all good. Thank you.

[Recess.]

Chairwoman KLOBUCHAR. We are going to get started here and head toward the final vote. I know Senator Cruz has two more amendments, and then that should be it. Is one of them this work you have been doing with Senator Merkley and Senator—okay. Maybe we should wait on that one while they are coming back because of—okay.

Senator CRUZ. I have another one.

Chairwoman KLOBUCHAR. Oh, okay. Why don't you go ahead quickly?

Senator CRUZ. I call up Cruz 22. Cruz 22 ensures election security concerning drop boxes, and, in particular, it inserts language requiring verification of a chain of custody as well as signature verification for any federally mandated drop boxes. There have been numerous references that drop boxes would have—would be secure. This simply puts it in the statute so that if—so that there is verification of that.

Chairwoman KLOBUCHAR. The purpose of this bill is to make it easier to vote. We know that drop boxes are a convenient way for

so many people to vote, and we would like to see more of them. There have been specific issues in the State of Texas actually, Senator Cruz, with not enough drop boxes. I do not agree with this amendment because I think it would actually make it much harder for people to vote and would disenfranchise voters.

Senator CRUZ. Without any protections on the chain of custody or any signature verification, it is simply, I believe, an invitation to voter fraud that undermines the integrity of elections.

Chairwoman KLOBUCHAR. I think many, many, many states use drop boxes and people simply put their ballots in the drop box, so that is how it works. Alright. Could we have a vote on this amendment? Are we good? Okay.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Senator FEINSTEIN. No.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Senator WARNER. No.

The Clerk. Senator Leahy?

Senator LEAHY. No.

The Clerk. Senator King?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Merkley?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Padilla?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Ossoff?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Blunt?

Senator BLUNT. Blunt votes yes.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator SHELBY. Aye.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator BLUNT. Aye by proxy.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. The amendment is not agreed to.

Senator Cruz, you had one more, and then we will get to the amendment with Senator King.

Senator CRUZ. Well, we have Senator King here, so if I could, I will——

Chairwoman KLOBUCHAR. I did not know if Senator Merkley also wanted to be here, but could you—did you have one other you could do first so we could wait for him?

Senator CRUZ. I do, but we need to wait until folks are here because——

Chairwoman KLOBUCHAR. No, no, we have enough to vote on it.

Senator CRUZ. The next one, Senator Ossoff will want to be here, and I do not want to call it without him being here.

Chairwoman KLOBUCHAR. Oh, okay. Alright. Well, why do not you go ahead with this? Do we know where Senator Merkley is? Okay. Ranking Member Blunt and I have agreed to waive the filing deadline just for Cruz 47, which reflects the agreement Senator Cruz and Senator Merkley have been working on along with Senator King, because it would have—if there would have been a way to accomplish this, it would have been very complicated procedurally, and we felt it was the best way to do it. Correct, Senator Blunt?

Senator BLUNT. Yes.

Chairwoman KLOBUCHAR. Okay. Senator Cruz?

Senator CRUZ. I call up Cruz 47, which what it does is it combines the Hagerty language along with the language in my amendment, and along with the suggestion from Senator King. The new provision inserts, “so long as the person designated to return the ballot does not receive compensation in any capacity for the collection and delivery of such ballot, and so long as the person designated to return the ballot has not been employed by a political campaign, political party, or similar organization during the 1-month period ending on the date of such designation.”

Chairwoman KLOBUCHAR. Senator King, did you want to comment? I still have issues with this, but go ahead.

Senator KING. I appreciate the efforts. I appreciate the efforts of Senator Cruz and Senator Hagerty and Senator——

Senator FEINSTEIN. Louder, please.

Senator KING. I appreciate the efforts of Senator Cruz, Senator Hagerty, and Senator Merkley to work out this language. I think this is an improvement in the bill. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Senator Merkley is here. Maybe we will let him sit down, and, Senator Cruz, do you want to—we will just—we will just wait a second here.

[Pause.]

Chairwoman KLOBUCHAR. Senator Merkley, I think we are going to vote on this soon if you want to say something.

Senator FEINSTEIN. Madam Chair, are we on Cruz 47?

Chairwoman KLOBUCHAR. Yes, we are, and we are almost done with it. We are just going to have Senator Merkley speak. Senator King has already spoken.

Senator MERKLEY. Madam Chairwoman, so we have before us a provision that is designed in its heart to say that those—that we should not be having paid ballot collectors, and I support the spirit of that. There are two questions I have that I would like to get some clarity on. The first is in the—it says, “does not receive compensation in any capacity for the collection and delivery of such

ballot.” “In any capacity,” and I will ask this to Senator Cruz since he crafted this portion of it. “In any capacity,” that means you cannot be paid a wage. You cannot be paid a salary. You cannot be paid per ballot. That is what is meant by “in any capacity?”

Senator CRUZ. That is correct. It is paid for the collection and delivery of such ballot. If you have another job, if you work at a company and earn a salary, that—you are obviously paid, but you are not paid for the collection and delivery of ballots.

Senator MERKLEY. If I am a pastor at a church and I am a paid pastor, and people drop off ballots with me, or I am associate pastor, whatever, and I deliver those ballots, am I in violation of this—of this clause?

Senator CRUZ. It depends what your job is for. If you are paid for the collection or delivery of ballots, then yes. If you are not, if you have a job that is unrelated to that, then no.

Senator MERKLEY. Okay. Senator Hagerty, I wanted to ask you a question as well. The second half, “so long as the person designated to return the ballot has not been employed by a political campaign, political party, or similar organization.” The “similar organization” part, to me, is problematic because 501(c)(4)’s do political activity. Consultants do political activity. I think we would need a crisp line so people know where they stand, and I prefer at this moment that we drop “the similar organization,” and then essentially work to establish a crisp line to basically address what you are talking about in terms of other types of groups.

Senator HAGERTY. To be clear on my intent, Senator, “similar organization,” I meant organizations that do what political campaigns and political parties do. This is an evolving environment. I want to be able—I cannot anticipate the forum that such action—that such activities would fall under except to say that what I meant here by the words, “similar organization,” would be organizations that do what today political campaigns and political parties do.

Senator MERKLEY. Okay. I know where your heart is, but for the law to be able to be effectively done, it will need a crisper standard for people to be able to apply it. Can we work toward doing so?

Senator HAGERTY. Yes, I welcome your input on that.

Senator MERKLEY. Alright. I recall when I was in the state legislature in Oregon, sometimes supporting a concept in committee and noting for the record, that I think it still has features that need to be worked out to be a—to get kind of the full endorsement of the body, and that is where I stand here. I am going to vote in support of the amendment because of the basic idea behind it, but I—but I think the language needs some additional work, and I—and I would—if this gets to the floor, and I am not sure we get this out of committee anyway, but if it gets to the floor, I would ask for your goodwill in working to have more detailed clarity on what “in any capacity” or what “similar organization” means.

Senator HAGERTY. I look forward to doing that with you, Senator Merkley.

Senator MERKLEY. Okay. Thank you.

Chairwoman KLOBUCHAR. Okay. Why don’t a vote? You know, I am eager to work with you, too. I just come out the other way because I do not think we have the language defined yet, but people

are free to vote as they would like. Why do we not call the vote? We know we have some members that have to leave, and I need to get to the final vote here, so.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Senator FEINSTEIN. No.

The Clerk. Senator Schumer?

Chairwoman KLOBUCHAR. No by proxy.

The Clerk. Senator Warner?

Senator WARNER. No.

The Clerk. Senator Leahy?

Senator LEAHY. No.

The Clerk. Senator King?

Senator KING. Aye.

The Clerk. Senator Merkley?

Senator MERKLEY. Aye.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Votes aye.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator SHELBY. Aye.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator BLUNT. Aye by proxy.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. 11 ayes; 7 noes.

Chairwoman KLOBUCHAR. The amendment passes.

I believe you have one last amendment, Senator Cruz.

Senator CRUZ. I do. The final amendment I would call up is Cruz 45. Cruz 45 is an amendment. It is a sense of the Senate condemning the boycott of the State of Georgia. As everyone is aware, a number of companies, and, in particular, the major league—Major League Baseball, made the decision to boycott the State of Georgia by moving the All-Star Game out of Atlanta. Major League Baseball caved to corporate pressure. The estimated lost economic impact that that boycott caused is more than \$100 million dollars of lost revenue to the city of Atlanta. There is deep irony in Major League Baseball doing this because, Number one, Major League Baseball objected to this—Georgia legislature requiring a photo ID

to vote, but, of course, Major League Baseball itself requires photo ID if you want to pick up tickets at a game. It imposes its own photo ID law.

Even more fundamentally, Major League Baseball moved the All-Star Game out of Atlanta, a city that has a 51-percent African-American population, and moved it to Denver, Colorado, a city that has an African-American population of 9.2 percent. To really illustrate the hypocrisy of the decision, Colorado has the lowest registration and the lowest turnout of African-American voters in the country. It harmed a majority of African Americans in a city and benefited a city with less than 10 percent African-American voters. This provision expresses the sense of the Senate condemning that boycott.

Chairwoman KLOBUCHAR. I will let Senator Ossoff speak to this, but I do want to say that, you know, there were some real problems with this Georgia law. One of the videos that I am going to keep forever is when Senator Kennedy in our Judiciary Committee asked Stacey Abrams what were the problems with the Georgia law, and she went on and on. He said, that is enough. She said, no, let me explain something else, and after this all-time high voter turnout in Georgia, this law was passed. I think if a company wants to take a stance against that law, they have every right to do that.

I would also note, Senator Cruz, of interest, to put this in—you actually struck a piece of our bill that Russia interfered in the elections in 2016. I know we have had bipartisan intelligence reports from Senator Burr and Senator Warner that have established their clear intent to interfere in our election. I would just like my colleagues to know that that was part of this amendment, was striking that piece. I will let Senator Ossoff address this.

Senator OSSOFF. Thank you, Madam Chair, and I will be opposing this amendment. I have consistently opposed boycotts of the State of Georgia. I have urged investors and businesses to continue to operate in our state, and I have made the case that only by continuing to do business in Georgia can business leaders who are rightfully offended by the restrictive provisions of S.B. 202 and that Georgia election law, can they have the kind of impact on the political discourse that will, I hope, lead our state to undo some of the most damaging provisions of that law.

But I cannot support an amendment which characterizes criticism of S.B. 202, the Georgia law, as mischaracterization where I believe harsh criticism of the Georgia law, some of which we discussed today, a provision which would impose a penalty of up to a year in jail for a nonpartisan volunteer handing a bottle of water to a senior citizen waiting in line at a polling place. I cannot agree and support an amendment which characterizes criticism of the Georgia law as mischaracterization where I believe such criticism is warranted.

Chairwoman KLOBUCHAR. Okay.

Senator CRUZ. I would note for the record that Colorado has less early voting than the State of Georgia does, and that—Colorado is where Major League Baseball moved the All-Star Game.

Chairwoman KLOBUCHAR. Okay. Should we call for a vote on this?

Senator BLUNT. Yes.

Chairwoman KLOBUCHAR. I think so. Okay. Senator Padilla, maybe after we are done here, we will have—you could say some words.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Senator FEINSTEIN. No.

The Clerk. Senator Schumer?

Senator SCHUMER. No.

The Clerk. Senator Warner?

Senator WARNER. No.

The Clerk. Senator Leahy?

Senator LEAHY. No.

The Clerk. Senator King?

Senator KING. No.

The Clerk. Senator Merkley?

Senator MERKLEY. No.

The Clerk. Senator Padilla?

Senator PADILLA. No.

The Clerk. Senator Ossoff?

Senator OSSOFF. No.

The Clerk. Senator Blunt?

Senator BLUNT. Votes yes.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Shelby?

Senator SHELBY. Aye.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Aye.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISCHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Hagerty?

Senator HAGERTY. Aye.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. No.

The Clerk. The ayes are 9; the noes are 9.

Chairwoman KLOBUCHAR. The amendment fails.

Now we are ready to move on to the vote on final passage. I will leave my remarks until after we vote, except to say that this bill is about making our democracy work for people, not for special interests, not for billionaires, not for politicians. It sets basic national standards to get at all of the chaos that we have seen across the country with these bills that are being introduced, with attempts to limit people's freedom to vote. To me, you know, chaos was watching those people in Wisconsin stand in line in garbage bags, homemade garbage bags, homemade masks waiting to vote, or reading the opinion out of one circuit court with the conservative judges saying that some of the ballot measures that had passed—

the legislature had passed had been targeted with surgical precision against the African-American community, or seeing people waiting in lines, or finding out that they thought they could vote one way and they cannot, or changing the rules of the game after one of the most—highest voter turnouts—the highest voter turnout we have ever seen in the history of America.

That is why we did this bill, and I think this reform is really based on the simple idea that whether you are a Democrat, Republican, Independent—Senator King—no matter where you are, that you have the right to vote, and that our government must be accountable to the people. I am proud that we got through so many of these amendments.

I will note that a number of bipartisan amendments got adopted, including Senator King's amendment that—striking recertification requirements for voting system; Senator Warner's amendment involving military and overseas voters; Senator Capito's amendment, which struck a provision we heard about from election officials that would make it difficult to administer.

Senator Capito and I had a bipartisan provision for people with disabilities and military voters. I had another provision that passed on cybersecurity. Senator Merkley had an amendment passed on security in our Federal elections. Senator Cruz had several amendments that passed, including one that would eliminate the requirement that applicants for independent redistricting commissions disclose their affiliation with religious organizations, and another which prohibits candidates who participate in the small donor program from collecting a salary or use campaign funds for personal enrichment. It is with that spirit that I hope we go forward.

I do not pretend that I think we are going to get more than a tie vote. It has kind of been the theme of the day, but with respect and some earnest debate I think that a lot of people have learned things today. I hope that that will guide us as we go forward. As Senator Schumer has said, failure is not an option here. We must get this bill passed, and we look forward, even though we will not be able to report it out if we have a tie vote under the Senate rules, Senator Schumer will be able to bring the bill to the floor.

With that, I turn it over to Senator Blunt, and then we will have a vote.

Senator BLUNT. Well, Senator, I will be brief. I know Senator Leahy needs to get home to Marcelle, and we are thinking about her and you right now, Senator. I really appreciate the fact that a majority of our committee was here all day. I think almost every Republican was here the better part of the entire day. I think we will find out in the final vote that our enthusiasm for this bill is not shared by—your enthusiasm is not shared by us. I think we made the point today of the danger of Federalizing the election, the problems of having taxpayer money, Federal money, that would be spent—could be spent for other things going to campaigns and politicians based on some fundraising goals.

I thought Senator Cruz's point that under this bill, he would have gotten \$24 million from the Federal sources from the first quarter of fundraising this year. My guess is not a single person in here wants to see Senator Cruz, including Senator Cruz, get \$24 million that could be used for other things. I do think we made im-

portant points today. We will see what the majority leader decides to do with the bill, and I predict that you are exactly right. It will not be voted out of this committee, and you will have to take some other actions to get it to the floor.

But, again, thanks for our cooperative efforts today. Thanks for what I believe was a fair effort on your part to manage the day. I am glad we had a chance to make the points we made, and have the amendments debated and discussed in ways that too often does not happen here anymore. I look forward to this final vote today.

Chairwoman KLOBUCHAR. Right. Very good. Can we move to the vote?

The question is on reporting S. 1, the For the People Act, as amended, favorably to the Senate.

The clerk will call the roll.

The Clerk. Senator Feinstein?

Senator FEINSTEIN. Aye.

The Clerk. Senator Schumer?

Senator SCHUMER. Aye.

The Clerk. Senator Warner?

Senator WARNER. Aye.

The Clerk. Senator Leahy?

Senator LEAHY. Aye.

The Clerk. Senator King?

Senator KING. Aye.

The Clerk. Senator Merkley?

Senator MERKLEY. Aye.

The Clerk. Senator Padilla?

Senator PADILLA. Aye.

The Clerk. Senator Ossoff?

Senator OSSOFF. Aye.

The Clerk. Senator Blunt?

Senator BLUNT. No.

The Clerk. Senator McConnell?

Senator MCCONNELL. No.

The Clerk. Senator Shelby?

Senator SHELBY. No.

The Clerk. Senator Cruz?

Senator CRUZ. No.

The Clerk. Senator Capito?

Senator CAPITO. No.

The Clerk. Senator Wicker?

Senator WICKER. No.

The Clerk. Senator Fischer?

Senator FISCHER. No.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. No.

The Clerk. Senator Hagerty?

Senator HAGERTY. Nay.

The Clerk. Chairwoman Klobuchar?

Chairwoman KLOBUCHAR. Aye.

The Clerk. 9 ayes; 9 noes.

Chairwoman KLOBUCHAR. On that vote, the bill will not be reported, but the chair will give notice to the Senate that the bill was not reported because of a tie vote. We ask that such notice be print-

ed in the Congressional Record. As I note this is not the last you will hear. In fact, this is the beginning, as Senator Schumer will, under his rights, be able to bring this bill to the floor, and I know many of my colleagues supported the manager's amendment. They would like to see the changes from the manager's amendment as well as additional changes—Senator King and I have talked about this at length—to get their votes on the floor. We look forward to working with all our colleagues to advance this bill.

Anything else, Senator Blunt?

Senator BLUNT. No.

Chairwoman KLOBUCHAR. Anything else you want to say? Senator King, anyone?

[No response.]

Chairwoman KLOBUCHAR. Okay. With that, thank you, everyone. The committee is adjourned.

[Whereupon, at 6:47 p.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 11, 2021

The Honorable Jeff Merkley
United States Senate
531 Hart Senate Office Building
Washington, DC 20510

Dear Senator Merkley:

For the last several years, Michigan's Department of State has worked to ensure only eligible citizens are automatically registered to vote when they receive or renew drivers' licenses or state IDs with our branch office, unless they choose to opt-out.

We have implemented multiple, overlapping safeguards to our automatic voter registration process to (1) prevent non-citizens from becoming registered in error and (2) identify and mitigate instances in which it does occur. These measures, which include procedures both during and following the Secretary of State transaction, are as follows:

- (1) Applicants for a driver's license or personal ID (DL/PID) card must provide proof of legal presence in the United States. If an applicant provides a document that shows the individual is not a United States citizen, the record is clearly marked "NC" for non-citizen. The applicant may then receive a driver's license or personal ID card, but the branch office computer system automatically will block voter registration for the applicant.
- (2) All applicants for DL/PID must also fill out an application form and answer "yes" or "no" to the question, "Are you a citizen of the United States?" If the applicant marks the question no, branch staff are instructed to ensure the record is not marked as U.S. citizen and not to process a voter registration transaction. We are expanding our training efforts to ensure this step is followed and implementing accountability measures for when it is not.
- (3) All DL/PID applications now include an "opt out" section that lists the qualifications for voting and includes a box next to the statement, "do not use my information for voter registration." If an individual has checked the opt out box, branch staff are instructed not to process a voter registration transaction.
- (4) At the conclusion of a DL/PID transaction, the customer is given a receipt indicating that the customer has been registered to vote. If the customer or branch staff upon viewing the receipt see that the customer has been registered in error, branch staff are instructed to void the voter registration portion of the transaction.

We understand that, despite everyone's best efforts, errors can occur. That's why following the transaction there are three additional measures to correct and remove anyone who is registered to vote in error:

- (5) For each voter registration transaction, a receipt is also sent to the local election clerk in the voter's jurisdiction. The clerk is then expected to review the voter registration information. This provides an additional check in the event that the clerk has new or additional information indicating the individual is not a United States citizen.
- (6) Each registered voter receives a voter information card upon being registered to vote. If a registered voter receives this card and determines he or she was registered in error, he or she can immediately cancel his or her voter registration.

Finally, in addition to the above six steps, the Michigan Department of State reviews and audits Secretary of State voter registration transactions to identify, catch and correct cases in which non-citizens may have become inappropriately registered to vote. Specifically, the Department of State reviews the transaction log of any individual who was or should have (based on their documentation or the way they filled out their application) been marked non-citizen during the transaction and was wrongly registered to vote despite the protections described above. In these cases, the Department of State will remove the erroneous voter registration and provide additional training or take other action, as needed, to prevent future errors from occurring.

As one final check, applications to vote at the precinct require electors to sign the statement, "I certify that I am a United States citizen and a registered and qualified elector in this precinct, and hereby make application to vote at this election." Applications for absent voter ballots require electors to sign the statement, "I certify that I am a United States citizen and that the statements in this absent voter ballot application are true." In the event that a non-citizen is accidentally registered to vote and the error is not caught prior to Election Day through any of the above means, the individual still could not cast a vote without signing a statement certifying that the individual is a U.S. citizen.

Sincerely,

A handwritten signature in blue ink that reads "Jocelyn Benson". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jocelyn Benson
Michigan Secretary of State

Swiss Billionaire Quietly Becomes Influential Force Among Democrats

Hansjörg Wyss, who recently dropped his bid to buy Tribune Publishing, has been a leading source of difficult-to-trace money to groups associated with Democrats.



By Kenneth P. Vogel

May 3, 2021

WASHINGTON — He is not as well known as wealthy liberal patrons like George Soros or Tom Steyer. His political activism is channeled through a daisy chain of opaque organizations that mask the ultimate recipients of his money. But the Swiss billionaire Hansjörg Wyss has quietly become one of the most important donors to left-leaning advocacy groups and an increasingly influential force among Democrats.

Newly obtained tax filings show that two of Mr. Wyss's organizations, a foundation and a nonprofit fund, donated \$208 million from 2016 through early last year to three other nonprofit funds that doled out money to a wide array of groups that backed progressive causes and helped Democrats in their efforts to win the White House and control of Congress last year.

Mr. Wyss's representatives say his organizations' money is not being spent on political campaigning. But documents and interviews show that the entities have come to play a prominent role in financing the political infrastructure that supports Democrats and their issues.

While most of his operation's recent politically oriented giving was channeled through the three nonprofit funds, Mr. Wyss's organizations also directly donated tens of millions of dollars since 2016 to groups that opposed former President Donald J. Trump and promoted Democrats and their causes.

Beneficiaries of his organizations' direct giving included prominent groups such as the Center for American Progress and Priorities USA, as well as organizations that ran voter registration and mobilization campaigns to increase Democratic turnout, built media outlets accused of slanting the news to favor Democrats and sought to block Mr. Trump's nominees, prove he colluded with Russia and push for his impeachment.

Several officials from organizations started by Mr. Wyss and his team worked on the Biden transition or joined the administration, and on environmental policy in particular Mr. Wyss's agenda appears to align with President Biden's.

Mr. Wyss's growing political influence attracted attention after he emerged last month as a leading bidder for the Tribune Publishing newspaper chain. Mr. Wyss later dropped out of the bidding for the papers.

Born in Switzerland and living in Wyoming, he has not disclosed publicly whether he holds citizenship or permanent residency in the United States. Foreign nationals without permanent residency are barred from donating directly to federal political candidates or political action committees, but not from giving to groups that seek to influence public policy — a legal distinction often lost on voters targeted by such groups.

Mr. Wyss's role as a donor is coming to light even as congressional Democrats, with support from Mr. Biden, are pushing legislation intended to rein in so-called dark money spending that could restrict some of the groups financed by Mr. Wyss's organizations.

This type of spending — which is usually channeled through nonprofit groups that do not have to disclose much information about their finances, including their donors — was embraced by conservatives after campaign spending restrictions were loosened by regulatory changes and court rulings, most notably the Supreme Court's 2010 decision in the *Citizens United* case.

While progressives and election watchdogs denounced the developments as bestowing too much power to wealthy interests, Democratic donors and operatives increasingly made use of dark money. During the 2020 election cycle, groups aligned with Democrats spent more than \$514 million in such funds, compared to about \$200 million spent by groups aligned with Republicans, according to an analysis by the Center for Responsive Politics.

Some of the groups financed by Mr. Wyss's organizations played a key role in that shift, though the relatively limited disclosure requirements for these types of groups make it impossible to definitively conclude how they spent funds from the Wyss entities.

Mr. Wyss and his advisers have honed a “strategic, evidence-based, metrics-driven and results-oriented approach to building political infrastructure,” said Rob Stein, a Democratic strategist.

Mr. Stein, who founded the influential Democracy Alliance club of major liberal donors in 2005 and recruited Mr. Wyss to join, added that “unlike most wealthy political donors on the right and left,” Mr. Wyss and his team “know how to create measurable, sustainable impact.”

Mr. Wyss, 85, was born in Bern, first visited the United States as an exchange student in 1958, and became enchanted with America's national parks and public lands. After becoming wealthy while helping lead the Switzerland-based medical device manufacturer Synthes, he began donating his fortune through a network of nonprofit organizations to promote conservation, environmental causes and other issues.

The organizations gradually increased their donations to other causes backed by Democrats, including abortion rights and minimum wage increases, and eventually to groups more directly involved in partisan political debates, particularly after Mr. Trump's election.

Asked about the shift, Howard H. Stevenson, who has been close to Mr. Wyss since the two were classmates at Harvard Business School in the 1960s, pointed to Mr. Trump's sharp reduction to the Bears Ears National Monument in Utah. One of Mr. Wyss's foundations had teamed with five other foundations to commit \$1.5 million to preserving the monument. (The Biden administration is now reviewing Mr. Trump's policy on Bear Ears, which was broadly opposed by Democrats and conservation groups.)

“You don't have to look at people destroying your work to say maybe you want to try and figure out how you respond in the most effective way,” said Mr. Stevenson, who is an adviser to one of Mr. Wyss's foundations and whose son has served on the board of another Wyss organization, according to its most recent tax filing.



One of Mr. Wyss's foundations teamed with five other foundations to commit \$1.5 million to preserving Bears Ears National Monument in Utah. KC McGinnis for The New York Times

Mr. Wyss did not respond to requests to be interviewed for this article, and most of the people interviewed either declined to discuss him or requested anonymity to do so.

Price Floyd, a spokesman for two of Mr. Wyss's operations — the Wyss Foundation and Berger Action Fund, both of which are based in Washington — pushed back on suggestions that his giving was intended to help the Democratic Party, suggesting that his focus was on issues important to him.

He described Mr. Wyss in a statement last month while Mr. Wyss was part of the Tribune Publishing bid as “a successful businessman turned philanthropist who has pledged over a billion dollars to conserve nature and also sought to bolster social welfare programs in the United States.”

The Wyss Foundation, which is housed in a stately 19th-century Georgian Revival mansion in the Dupont Circle neighborhood of Washington, had assets of more than \$2 billion at the end of 2019, according to its most recent tax filing.

It is registered under a section of the tax code that prohibits it from spending money to expressly support partisan political campaigns.

But it can, and does, donate to groups that seek to influence the political debate in a manner that aligns with Democrats and their agenda, including the Center for American Progress, a liberal think tank where Mr. Wyss sits on the board. The organization was started by John D. Podesta, a top White House aide to Presidents Bill Clinton and Barack Obama. A foundation that Mr. Wyss led as chairman and that has since merged with the Wyss Foundation paid Mr. Podesta as an adviser, and the two men remained close, according to associates.

The Berger Action Fund, which shares facilities and staff with the Wyss Foundation, had assets of nearly \$65 million at the end of March 2020, according to its most recent tax filing. The fund is registered under a section of the tax code that allows it to spend money supporting and opposing candidates, or to donate to groups that do.

Mr. Floyd said in statement that Berger Action had its own policy barring “any of its funding from being used to support or oppose political candidates or electoral activities.”

Because the recipients of funds from Mr. Wyss's organizations do not have to disclose many details about their finances, including which donations are used for which projects, it is not clear how they have used the money originating from Mr. Wyss's operation. But some of the groups funded by Berger Action helped pay for campaign ads helping Democrats and attacking Republicans including Mr. Trump, or gave to other groups that did.

The voluntary restriction is potentially notable, given questions about Mr. Wyss's citizenship.

While Mr. Wyss donated nearly \$70,000 to Democratic congressional candidates and left-leaning political action committees from 1990 to 2003, he does not appear to have made any such donations to federal candidates or PACs since.

Mr. Wyss's representatives provided the tax filings documenting the expansion of recent giving to politically oriented groups only after requests from a lawyer for The New York Times, and after Mr. Wyss dropped his bid for Tribune Publishing. Such filings are legally required to be made public upon request.

The tax filings show that his organizations' biggest grants in recent years went to entities that mostly dispense funds to other groups, and sometimes act as incubators for new outfits intended partly to serve functions seen as lacking on the left.



Voters casting their ballots in Topeka, Kan., in the 2018 midterm elections. While little known by the public, Mr. Wyss and his foundations have come to play an increasing role in financing the political infrastructure that supports Democrats and their issues. Barrett Emke for The New York Times

Between the spring of 2016 and the spring of 2020, the Berger Action Fund donated more than \$135 million to the Sixteen Thirty Fund, which has become among the leading dark money spenders on the left, filings from the Internal Revenue Service and Federal Election Commission show.

One of the nonprofit groups managed by a for-profit consulting firm called Arabella Advisors, Sixteen Thirty donated more than \$63 million to super PACs backing Democrats or opposing Republicans in 2020, including the pro-Biden groups Priorities USA Action and Unite the Country and the scandal-plagued anti-Trump group Lincoln Project, according to Federal Election Commission filings.

Another nonprofit managed by Arabella, the New Venture Fund, which is set up under a section of the tax code barring it from partisan political spending, received more than \$27.6 million from the Wyss Foundation from 2016 through 2019.

Tax filings by the Sixteen Thirty Fund and New Venture Fund do not indicate how they spent the funds from Mr. Wyss's groups, nor do tax filings submitted by the Sacramento-based Fund for a Better Future, which passes money from donors to groups that push to shape the political process in a way that helps Democrats. The Fund for a Better Future has received the majority of its funding — nearly \$45.2 million between the spring of 2016 and the spring of 2020 — from the Berger Action Fund.

The Sixteen Thirty Fund, New Venture Fund and Fund for a Better Future did not answer questions about how they spent funds from Mr. Wyss's organizations, except to say that the money did not go to partisan campaign efforts.

Sixteen Thirty and New Venture have helped create and fund dozens of groups, including some that worked to block Mr. Trump's nominees and push progressive appointments by Mr. Biden.

Among the groups under the umbrella of Sixteen Thirty and New Venture is the Hub Project, which was started by Mr. Wyss's philanthropic network in 2015 as a sort of incubator for groups backing Democrats and their causes, as first reported by The Times. It created more than a dozen groups with anodyne-sounding names that planned to spend \$30 million attacking Republican congressional candidates before the 2018 election.

In response to questions about donations being passed through to other organizations, Mr. Floyd said in a statement that the board of the Berger Action Fund has begun in recent years placing "a greater emphasis on supporting other nonprofit organizations or grant-making organizations, like the Sixteen Thirty Fund, that help identify, support and grow promising public interest projects."

Several officials from the Hub Project were hired by the Biden administration, including Rosemary Enobakhare, a former Environmental Protection Agency official in the Obama administration who returned to the agency under Mr. Biden; Maju Varghese as director of the White House Military Office; and Janelle Jones as chief economist for the Labor Department.

Molly McUsic — the president of the Wyss Foundation and the Berger Action Fund, and a former board member of the Fund for a Better Future and the Sixteen Thirty Fund — was a member of the Biden transition team that reviewed Interior Department policies and personnel.

Ken Vogel covers the confluence of money, politics and influence from Washington. He is also the author of "Big Money: 2.5 Billion Dollars, One Suspicious Vehicle, and a Pimp — on the Trail of the Ultra-Rich Hijacking American Politics." [@kenvogel](#) · [Facebook](#)

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