

1 ner of congressional elections is paramount, and may
2 be exercised at any time, and to any extent which
3 it deems expedient; and so far as it is exercised, and
4 no farther, the regulations effected supersede those
5 of the State which are inconsistent therewith”. *Ari-*
6 *zona v. Inter Tribal Council of Arizona*, 570 U.S. 1,
7 8–9 (2013) (internal quotation marks and citations
8 omitted). Indeed, “Congress has plenary and para-
9 mount jurisdiction over the whole subject” of con-
10 gressional elections, *Ex parte Siebold*, 100 U.S. (10
11 Otto) 371, 388 (1879), and this power “may be ex-
12 ercised as and when Congress sees fit”, and “so far
13 as it extends and conflicts with the regulations of
14 the State, necessarily supersedes them”. *Id.* at 384.
15 Among other things, Congress finds that the Elec-
16 tions Clause was intended to “vindicate the people’s
17 right to equality of representation in the House”.
18 *Wesberry v. Sanders*, 376 U.S. 1, 16 (1964), and to
19 address partisan gerrymandering, *Rucho v. Common*
20 *Cause*, 139 S. Ct. 2484 (2019).

21 (2) Congress also finds that it has both the au-
22 thority and responsibility, as the legislative body for
23 the United States, to fulfill the promise of article IV,
24 section 4, of the Constitution, which states: “The
25 United States shall guarantee to every State in this

1 Union a Republican Form of Government[.]”. Con-
2 gress finds that its authority and responsibility to
3 enforce the Guarantee Clause is clear given that
4 Federal courts have not enforced this clause because
5 they understood that its enforcement is committed
6 to Congress by the Constitution.

7 (3)(A) Congress also finds that it has broad au-
8 thority pursuant to section 5 of the Fourteenth
9 Amendment to legislate to enforce the provisions of
10 the Fourteenth Amendment, including its protec-
11 tions of the right to vote and the democratic process.

12 (B) Section 1 of the Fourteenth Amendment
13 protects the fundamental right to vote, which is “of
14 the most fundamental significance under our con-
15 stitutional structure”. *Ill. Bd. of Election v. Socialist*
16 *Workers Party*, 440 U.S. 173, 184 (1979); see
17 *United States v. Classic*, 313 U.S. 299 (1941) (“Ob-
18 viously included within the right to choose, secured
19 by the Constitution, is the right of qualified voters
20 within a State to cast their ballots and have them
21 counted . . .”). As the Supreme Court has repeatedly
22 affirmed, the right to vote is “preservative of all
23 rights”, *Yick Wo v. Hopkins*, 118 U.S. 356, 370
24 (1886). Section 2 of the Fourteenth Amendment
25 also protects the right to vote, granting Congress

1 additional authority to reduce a State’s representa-
2 tion in Congress when the right to vote is abridged
3 or denied.

4 (C) As a result, Congress finds that it has the
5 authority pursuant to section 5 of the Fourteenth
6 Amendment to protect the right to vote. Congress
7 also finds that States and localities have eroded ac-
8 cess to the right to vote through restrictions on the
9 right to vote including excessively onerous voter
10 identification requirements, burdensome voter reg-
11 istration procedures, voter purges, limited and un-
12 equal access to voting by mail, polling place closures,
13 unequal distribution of election resources, and other
14 impediments.

15 (D) Congress also finds that “the right of suf-
16 frage can be denied by a debasement or dilution of
17 the weight of a citizen’s vote just as effectively as by
18 wholly prohibiting the free exercise of the franchise”.
19 *Reynolds v. Sims*, 377 U.S. 533, 555 (1964). Con-
20 gress finds that the right of suffrage has been so di-
21 luted and debased by means of gerrymandering of
22 districts. Congress finds that it has authority pursu-
23 ant to section 5 of the Fourteenth Amendment to
24 remedy this debasement.

1 (4)(A) Congress also finds that it has authority
2 to legislate to eliminate racial discrimination in vot-
3 ing and the democratic process pursuant to both sec-
4 tion 5 of the Fourteenth Amendment, which grants
5 equal protection of the laws, and section 2 of the
6 Fifteenth Amendment, which explicitly bars denial
7 or abridgment of the right to vote on account of
8 race, color, or previous condition of servitude.

9 (B) Congress finds that racial discrimination in
10 access to voting and the political process persists.
11 Voting restrictions, redistricting, and other electoral
12 practices and processes continue to disproportion-
13 ately impact communities of color in the United
14 States and do so as a result of both intentional ra-
15 cial discrimination, structural racism, and the ongo-
16 ing structural socioeconomic effects of historical ra-
17 cial discrimination.

18 (C) Recent elections and studies have shown
19 that minority communities wait longer in lines to
20 vote, are more likely to have their mail ballots re-
21 jected, continue to face intimidation at the polls, are
22 more likely to be disenfranchised by voter purges,
23 and are disproportionately burdened by excessively
24 onerous voter identification and other voter restric-
25 tions. Research shows that communities of color are

1 more likely to face nearly every barrier to voting
2 than their white counterparts.

3 (D) Congress finds that racial disparities in dis-
4 enfranchisement due to past felony convictions is
5 particularly stark. In 2020, according to the Sen-
6 tencing Project, an estimated 5,200,000 Americans
7 could not vote due to a felony conviction. One in 16
8 African Americans of voting age is disenfranchised,
9 a rate 3.7 times greater than that of non-African
10 Americans. In seven States—Alabama, Florida,
11 Kentucky, Mississippi, Tennessee, Virginia, and Wy-
12 oming—more than one in seven African Americans
13 is disenfranchised, twice the national average for Af-
14 rican Americans. Congress finds that felony dis-
15 enfranchisement was one of the tools of intentional
16 racial discrimination during the Jim Crow era. Con-
17 gress further finds that current racial disparities in
18 felony disenfranchisement are linked to this history
19 of voter suppression, structural racism in the crimi-
20 nal justice system, and ongoing effects of historical
21 discrimination.

22 (5)(A) Congress finds that it further has the
23 power to protect the right to vote from denial or
24 abridgment on account of sex, age, or ability to pay

1 a poll tax or other tax pursuant to the Nineteenth,
2 Twenty-Fourth, and Twenty-Sixth Amendments.

3 (B) Congress finds that electoral practices in-
4 cluding voting rights restoration conditions for peo-
5 ple with convictions and other restrictions to the
6 franchise burden voters on account of their ability to
7 pay.

8 (C) Congress further finds that electoral prac-
9 tices including voting restrictions related to college
10 campuses, age restrictions on mail voting, and simi-
11 lar practices burden the right to vote on account of
12 age.

