



A DCI Deliberation Guide

Election Accessibility

Should Congress Pass a New Voting Rights Act?

Format for Deliberation

Before the Deliberation

- I. Read this document (Required)
- II. Read [H.R. 1 For the People Act 2021](#) (Optional)
- III. Read [Arguments For and Against Early Voting](#) (Optional)
- IV. Read [Pros and Cons of Voting by Mail](#) (Optional)
- V. Read [Pros and Cons of Felons Voting](#) (Optional)

During the Deliberation

- I. Welcome and Setting Expectations - 10 min.
- II. Getting to Know Each Other – 15 min.
- III. Understanding Tensions around a New Voting Rights Act - 40 min.
- IV. Identifying, Evaluating, and Prioritizing Policies - 40 min.
- V. Reflections – 15 min.

Background

The **Voting Rights Act of 1965** (VRA) marks the most recent sweeping election reform measure in the United States. This law expanded voting rights for African Americans and other people of color who had faced barriers such as literacy tests, poll taxes, grandfather clauses, and intimidation at the polls. The legislation also established federal oversight of voting and elections, particularly in Southern states that had engaged in the most restrictive and discriminatory voting practices. The VRA's impact was widespread, as within a year and a half of its passage, 250,000 new Black Americans had been registered to vote – many by federal examiners.¹

In 2013, in *Shelby County v. Holder*, the U.S. Supreme Court ruled unconstitutional Section 5 of the VRA that required federal authorization for some states to change their voting and election

¹ ["Voting Rights Act \(1965\)."](#) National Archives.

laws.² After this ruling, several states, particularly in the South, changed their voting and election laws.

Following the contentiousness of the recent 2020 election, many Americans called for new election reform, and **in 2021 the For the People Act was introduced in Congress**, passed in the House of Representatives, but did not survive in the Senate. The bill was written to “expand Americans’ access to the ballot box, reduce the influence of big money in politics, strengthen ethics rules for public servants, and implement other anti-corruption measures for the purpose of fortifying our democracy, and for other purposes.”³ The bill would allow for early voting, vote-by-mail, automatic voter registration, online registration, and same day registration while restoring voting rights to those previously incarcerated and reforming voter purges.⁴ The law would also ban partisan gerrymandering in congressional districts that helps ensure one party is effectively guaranteed victory.⁵

While action at the federal level has been limited, **laws have been passed in states such as Arizona, Connecticut, New York, and Oregon that expand voting access.** According to the Brennan Center for Justice, legislation is considered expansive “if it would make it easier for eligible Americans to register, stay on the rolls, and/or vote as compared to existing state law.” As of May 2022, 48 expansive laws are currently being considered in 16 state legislatures and Washington, D.C., and almost 600 expansive bills have been considered in 44 states during the 2022 legislative session.⁶

Some states are also engaging in efforts to restrict voting. Legislation is considered restrictive “if it would make it harder for eligible Americans to register, stay on the rolls, and/or vote as compared to existing state law.”⁷ As of May of 2022, 34 restrictive laws are currently being considered in state legislatures in 11 states, and almost 400 restrictive bills have been considered in 39 states during the 2022 legislative session; additionally, 34 restrictive voting provisions have been passed in 18 states since the beginning of 2021 which some argue will have disproportionate impacts on voters of color.⁸

Supporters of increasing election accessibility argue that more people voting is better for democracy, as it results in a more diverse and representative electorate. Advocates of expanded protection for voting argue that for many people, **voting is unnecessarily difficult**, especially for those living overseas, college students, and ex-felons.⁹ In their view, **voting is a right** that should be as easy to exercise as other rights such as freedom of religion and speech. It is critical for

² [“Shelby County v. Holder.”](#) Oyez

³ [H.R. 1: For the People Act 2021.](#) Congress.gov

⁴ [“Summary: For the People Act.”](#) League of Women Voters

⁵ Weiner, Daniel and Gareth Folwer. [“The For the People Act: Separating Fact from Fiction.”](#) Brennan Center for Justice.

⁶ [“Voting Laws Roundup: May 2022.”](#) Brennan Center for Justice.

⁷ [“Voting Laws Roundup: May 2022.”](#) Brennan Center for Justice.

⁸ [“Voting Laws Roundup: May 2022.”](#) Brennan Center for Justice.

⁹ [“Why We Need a Right to Vote Amendment.”](#) FairVote.

officials to hear from as many people as possible through elections, as the nation’s challenges and history of voter suppression require active efforts to expand the electorate.

When Americans don’t exercise their right to vote, they are represented by the preferences of others who do vote and who may not reflect their views and values.¹⁰ **When voter turnout is low, lower income, younger people, and people of color are less likely to vote** and their voice may be less likely to influence policymakers’ decisions.¹¹

These supporters also argue that **voting tends to lead to stronger social connections**, as those who engage in voting tend to be more involved in their communities and are more connected to their families.¹² **Higher voter turnout may also help to bridge polarization**, as those who have stronger partisan ties tend to vote at higher rates than those with weaker ideological affiliations.¹³ According to Eric Liu, CEO of Citizen University, “If the full range of voters actually voted, our political leaders, who are exquisitely attuned followers, would go where the votes are: away from the extremes.”¹⁴

Supporters argue that following the *Shelby* ruling, Republican state legislatures passed numerous laws intended to suppress the votes of Democratic voters, Black voters and other voters of color.¹⁵ For example, research indicates that **voter ID laws disproportionately impact voters of color**, increasing the racial turnout gap.¹⁶ A recent study found that strict voter ID laws reduce Democratic turnout by 8.8 percentage points versus a 3.6 percentage point reduction for Republicans.¹⁷

Supporters are also accusing Republicans of attempting to **pass other laws that will disadvantage minority voters**. For example, laws that restrict or eliminate early voting on Sundays may impact “Souls to the Polls’ mobilizations conducted at Black churches after services. Likewise, they argue that purging voter rolls, restricting absentee ballots, closing polling places in Democratic areas, implementing restrictive voter ID requirements, and limiting voting hours will also likely keep a significant number of minority voters from casting votes.”¹⁸ As columnist Leonard Pitts asserts, “Black Americans now wait longer to vote, have fewer places to do so, and face more obstacles along the way” since the VRA was enacted.¹⁹

¹⁰ Tobgay, Sonam. “[The Importance of High Voter Turnout.](#)” McCain Institute, Arizona State University. July 1, 2015.

¹¹ Jaffe-Geffner, Nina. “[The Pros and Cons of Requiring Citizens to Vote.](#)” FairVote. October 23, 2015.

¹² “[The Benefits of Voting.](#)” Nonprofit Vote. May 21, 2021.

¹³ Jaffe-Geffner, Nina. “[The Pros and Cons of Requiring Citizens to Vote.](#)” FairVote. October 23, 2015.

¹⁴ Lui, Eric. “[Should Voting Be Mandatory?](#)” Time. August 21, 2012.

¹⁵ “Voting Rights: Should Congress Pass a New Voting Rights Act?” Issues & Controversies.

¹⁶ “[The Impact of Voter Suppression on Communities of Color.](#)” Brennan Center for Justice.

¹⁷ Wheaton, Daniel. “Research: ID Laws Suppress Minority Vote: Idea Purports to Cut Fraud, But Fraud Found to Be Scarce.” *The San Diego Union Tribune*. February 21, 2016.

¹⁸ Waldman, Paul. “[Republicans Will Do Anything to Suppress the Vote. The Courts Will Help Them.](#)” *The Washington Post*. March 2, 2021.

¹⁹ Pitts, Leonard. “[Keeping Blacks from Voting Has a Deplorable History.](#)” *Miami Herald*. June 26, 2020.

Opponents of increasing election accessibility argue that more people voting is not necessarily better or democratically optimal, as more voters doesn't necessarily mean a more representative or diverse electorate. **Many people who don't currently vote aren't educated about politics and can be easily manipulated by demagogues.** A 2022 poll found that only 47% of Americans could name the three branches of government.²⁰ As journalist C.J. Werleman argues, "The nation's collective ignorance paves the way for extremist politicians to validate their positions to the public."²¹

Some opponents therefore believe that **people should have to be knowledgeable to exercise the important right of voting**, and some planning and some thinking should be required and encouraged before people vote.^{22,23} As Georgetown Professor Jason Brennan argues, citizens should "not be subjected to incompetently made political decisions" and should therefore not "entrust these high-stake decisions to the ignorant and incompetent."²⁴ He endorses the concept of an epistocracy, which retains "the same institutions as representative democracies, including imposing liberal constitutional limits on power...But while democracies give every citizen an equal right to vote, epistocracies apportion political power, by law, according to knowledge or competence."²⁵

Other opponents argue **voting rules should be left to the states**, absent widespread evidence of voter suppression.²⁶ They assert that it would impede states' ability to regulate elections and ensure voter eligibility, reducing election security and integrity.²⁷ They argue that elections should not be federalized, as states and local jurisdiction ought to be able to tailor elections to suit the needs of voters.²⁸ For example Former Vice President Mike Pence responded to the bill, stating it would strip state and local officials from their ability to maintain accurate voter rolls, verify voter eligibility, and require voter IDs. This would result, he argued, in "questionable and abuse-prone election rules nationwide."²⁹

Some argue that **now is not the time for such sweeping reform, as trust in the election process is already low.**³⁰ Former President of the Heritage Foundation Kay James argues that "hardly anyone—Democrats, Republicans and independents—trusts the process anymore, and

²⁰ "[Annenberg Civics Knowledge Survey](#)." Annenberg Publics Policy Center, University of Pennsylvania.

²¹ CJ Werleman. "[Americans Are Dangerously Politically Ignorant — The Numbers Are Shocking](#)." The Liberty Beacon, June 19, 2014.

²² Mohr, Isaac. "[Uneducated Voters Have Disturbing Effect on Elections](#)." CBS News. November 6, 2008.

²³ Brennan, Joseph. "[The Right to Vote Should Be Restricted to Those with Knowledge](#)." Aeon. September 29, 2016.

²⁴ Brennan, Joseph. "[The Right to Vote Should Be Restricted to Those with Knowledge](#)." Aeon. September 29, 2016.

²⁵ Brennan, Joseph. "[The Right to Vote Should Be Restricted to Those with Knowledge](#)." Aeon. September 29, 2016.

²⁶ Supreme Court of the United States. "[Shelby v. Holder](#)." October 2012.

²⁷ Von Spakovsky, Hans. "[8 Ways that HR 1, 'For the People Act,' Imperils Free and Fair Elections](#)." The Daily Signal. March 15, 2021.

²⁸ Swann, Sara. "[The 3 Main Reasons Conservatives Oppose HR1](#)." Fulcrum. June 16, 2021.

²⁹ Pence, Mike. "[Election Integrity Should Be a National Imperative](#)." Daily Signal. March 3, 2021.

³⁰ "Voting Rights." Issues & Controversies. Sept. 1, 2021.

legitimate concerns exist about the fairness and accuracy of our elections.” Such a law would only serve to further erode trust and could lead to corruption, she alleges.³¹

Other opponents argue that requirements such as **voter ID laws are common sense measures designed to prevent fraud**. Republican Leader Kevin McCarthy argues that the For the People Act would weaken election security by decreasing protections against voter fraud. The bill, he states, would prevent officials from removing the estimated 24 million (alleged) inaccurate or ineligible voters from voting rosters and would make verifying their information harder, creating “chaos and confusion.”³²

The table below highlights several key elements of the For the People Act that relate to increasing election accessibility and reducing voter suppression. It includes arguments for and against these elements. Voter suppression can be defined as “policies and tactics that place an undue limitation on the ability of citizens to cast countable ballots in an election.”³³

Summary Table

Component	Pros	Perceived
Early Voting: Allows eligible voters to cast a ballot at a polling location prior to an election	<ul style="list-style-type: none"> Increases access, particularly for low income individuals and people of color Reduces wait times at polls³⁴ 	<ul style="list-style-type: none"> Expensive May decrease voter turnout without a single day focused on voting May lead to uninformed voting decisions³⁵
Vote-By-Mail: Allows eligible voters to submit their ballot via United States postal mail	<ul style="list-style-type: none"> Secure – use of barcodes can verify voters Inclusive of all community members Efficient – reduces costs of recruiting and training poll workers³⁶ 	<ul style="list-style-type: none"> Delays after election day May be prone to fraud Reduces focus on Election Day itself Confusion about voting deadlines – when ballots must be received³⁷

³¹ James, Kay. “[Don’t Turn 2020’s Election Problems Into Law.](#)” The Heritage Foundation. Feb. 3, 2021.

³² McCarthy, Kevin. “[McCarthy Floor Speech on H.R. 1.](#)” Republicanleader.gov. March 2, 2021.

³³ “[Voter Suppression.](#)” Ballotpedia.

³⁴ “[Arguments for and Against Early Voting.](#)” Ballotpedia

³⁵ “[Arguments for and Against Early Voting.](#)” Ballotpedia

³⁶ “[Pros and Cons of Voting by Mail.](#)” Election Buddy. May 25, 2022

³⁷ “[Pros and Cons of Voting by Mail.](#)” Election Buddy. May 25, 2022

<p>Automatic, Online, and Same Day Registration</p> <p><i>Automatic Registration:</i> Allows citizens to be registered to vote automatically upon age 18;</p> <p><i>Online Registration:</i> allows eligible citizens to register to vote via an online portal</p> <p><i>Same Day Registration:</i> allows eligible citizens to register during early voting or on Election Day</p>	<ul style="list-style-type: none"> Increases turnout, especially among youth and voters of color Allows for more accurate voter rolls May increase election security by allowing for immediate identity verification³⁸ 	<ul style="list-style-type: none"> Threatens election security Places burden on election officials May decrease election security by not allowing for enough time for identity verification May lead to uninformed voting decisions³⁹
<p>Reenfranchisement of People Convicted of Felonies: Allows those who have been incarcerated to vote upon completion of their sentences and/or probation</p>	<ul style="list-style-type: none"> Felons should not be disenfranchised after serving their time Restoration of voting rights promotes rehabilitation⁴⁰ 	<ul style="list-style-type: none"> Criminals have ceded their voting rights Felons should prove they are reformed before voting again Felons should not be able to vote on those who will make the law.⁴¹

Setting Expectations (10 min)

In this section, we will review the “Expected Outcomes,” “Deliberative Dispositions,” and “Conversation Agreements” below.

Expected Outcomes of the Conversation

The purpose of this deliberation is to deepen our understanding of the arguments surrounding voting accessibility in the United States. Over the course of the deliberation, we will have the opportunity to listen to the perspectives of our fellow deliberators as well as share our own experiences and beliefs about voting accessibility. By the end of the conversation, we will have deliberated about the strongest and weakest arguments for a new voting rights act and discussed our highest and lowest priorities for reforming election policies in the United States. Finally, we will have reflected on our conversation, our areas of agreement and disagreement, and what we have learned from our time together.

³⁸ [“Arguments for and Against Same-Day Voter Registration.”](#) Ballotpedia

³⁹ [“Arguments for and Against Same-Day Voter Registration.”](#) Ballotpedia

⁴⁰ [“Arguments for and Against Automatic Restoration of Voting Rights for Convicted Felons.”](#) Ballotpedia

⁴¹ Clegg, Roger and Hans vonSpavosky. [“There Are Good Reasons for Felons to Lose the Right to Vote.”](#) The Heritage Foundation. April 10, 2018.

Deliberative Dispositions

The DCI has identified several “deliberative dispositions” as critical to the success of deliberative enterprises. When participants adopt these dispositions, they are much more likely to feel their deliberations are meaningful, respectful, and productive. Several of the Conversation Agreements recommended below directly reflect and reinforce these dispositions, which include a commitment to egalitarianism, open mindedness, empathy, charity, attentiveness, and anticipation, among others. A full list and description of these dispositions is available at <https://deliberativecitizenship.org/deliberative-dispositions/>.

Conversation Agreements

In entering into this discussion, to the best of our ability, we each agree to:

1. Be authentic and respectful
2. Be an attentive and active listener
3. Be a purposeful and concise speaker
4. Approach fellow deliberators’ stories, experiences, and arguments with curiosity, not hostility
5. Assume the best - and not the worst - about the intentions and values of others, and avoid snap judgements
6. Demonstrate intellectual humility, recognizing that no one has all the answers, by asking questions and making space for others to do the same
7. Critique the idea we disagree with, not the person expressing it, and remember to practice empathy
8. Note areas of both agreement and disagreement
9. Respect the confidentiality of the discussion
10. Avoid speaking in absolutes (e.g., “All people think this,” or “No educated people hold that view”)

Getting to Know Each Other (15 min)

In this section, we will take less than a minute to share our names, where we are currently located, and 2-3 aspects of our identities that are important to us. These could be our gender pronouns, our occupation, our family status (e.g., husband, mother, etc.), our hometown, our favorite hobby, etc. If you are online, while there is no pressure to do so, everyone is welcome to type in any, all, or none of these aspects of your identity into your Zoom nameplate (just right-click on your own image and click “Rename”).

Engaging Tensions around Voting and Elections (40 min)

In this section, we will examine the arguments for and against new measures to improve election accessibility, *such as early voting, vote-by-mail, automatic, online, and same day registration, and reenfranchisement of people convicted of felonies*. We will each take 1-2 minutes to answer each of the questions below, without interruption or crosstalk.

- What are the ***strongest arguments for implementing the measures to improve election accessibility*** mentioned above?
- What are the ***strongest arguments for NOT implementing the measures to improve election accessibility*** mentioned above?
- Which of these arguments do you find to be ***the most persuasive?***

After everyone has answered these questions, the group is welcome to take a few minutes for clarifying or follow up questions and responses. Continue exploring the topic as time allows.

Identifying, Evaluating, and Prioritizing Policies (40 min)

We will now identify, evaluate, and prioritize specific measures to take related to a new voting rights act. We will each address the question below, and then together we'll explore our areas of agreement and disagreement. We can also generate additional ideas that may transcend and elicit more support than existing proposals.

- **What measures should the United States implement to enhance election accessibility, if any? Which are the highest priority? Why?**
 - a. **Early Voting?**
 - b. **Vote-By-Mail?**
 - c. **Automatic, Online, and Same Day Registration?**
 - d. **Reenfranchisement of People Convicted of Felonies?**
 - e. **Other Measures?**

As time allows, we should engage with one another on our answers to these questions.

If there is strong disagreement in the group, try to explore the underlying reasons for the disagreement – are they based on different factual interpretations, different value emphases, or different life experiences? Perhaps you can agree on where precisely you disagree, which can be helpful. Alternatively, if there is widespread agreement in the group, try to dig deeper and examine the nuances of these policies – are there particular contexts, for example, where your agreement breaks down? Or perhaps your reasons for supporting particular policies are different? Exploring this complexity can be helpful as well.

Reflections (15 min)

While today's conversation is an important step in the journey, effectively managing the tradeoffs associated with a new voting rights act will take time and commitment. Please reflect on the insights from your discussion with your fellow participants today, and then answer one of the questions below without interruption or crosstalk. After everyone has answered, the group is welcome to continue exploring additional questions as time allows.

1. What was most meaningful or valuable to you during this deliberation?
2. Where are the areas of both agreement and disagreement in your group?
3. Have any new ways to think about this issue occurred to you as we have talked today? Any new ideas that might transcend our current way of conceiving of the problem and its potential solutions?
4. Was there anything that was said or not said that you think should be addressed with the group? Are there any perspectives missing from this conversation that you feel would be important to hear?
5. What did you hear that gives you hope for the future of conversations on issues related to election accessibility?
6. Is there a next step you would like to take based upon the deliberation you just had?

About This Guide

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The Deliberative Citizenship Initiative

The Deliberative Citizenship Initiative (DCI) is dedicated to the creation of opportunities for Davidson students, faculty, staff, alumni, and members of the wider community to productively engage with one another on difficult and contentious issues facing our community and society. The DCI regularly hosts facilitated deliberations on a wide range of topics and organizes training workshops for deliberation facilitators. To learn more about these opportunities, visit www.deliberativecitizenship.org.

DCI Deliberation Guides

The DCI has launched this series of Deliberation Guides as a foundation for such conversations. They provide both important background information on the topics in question and a specific framework for engaging with these topics. The Guides are designed to be informative without being overwhelming and structured without being inflexible. They cover a range of topics and come in a variety of formats but share several common elements, including opportunities to commit to a shared set of Conversation Agreements, learn about diverse perspectives, and reflect together on the conversation and its yield. The DCI encourages conversations based on these guides to be moderated by a trained facilitator. After each conversation, the DCI also suggests that its associated Pathways Guide be distributed to the conversation's participants.

DCI Pathways Guides

For every Deliberation Guide, the DCI has also developed an associated Pathways Guide, which outlines opportunities for action that participants can consider that are related to the covered topic. These Pathways Guides reinforce the DCI's commitment to an action orientation, a key deliberative disposition. While dialogue and deliberation are themselves important contributors to a healthy democracy, they become even more valuable when they lead to individual or collective action on the key issues facing society. Such action can come in a range of forms and should be broadly understood. It might involve developing a better understanding of a topic, connecting with relevant local or national organizations, generating new approaches to an issue, or deciding to support a particular policy.

If you make use of this guide in a deliberation, please provide attribution to the Deliberative Citizenship Initiative and email dc@deliberativecitizenship.org to tell us about your event. To access more of our growing library of Deliberation Guides, Pathways Guides and other resources, visit www.deliberativecitizenship.org/readings-and-resources.