

## U.S. Senator Maria Cantwell

### Speech on the Senate Floor on the *For the People Act*

June 22, 2021

**CANTWELL:** Mr. President, I come to the floor this afternoon to urge my colleagues to support this important legislation. And I listened to my colleague from Maine on her remarks and I take her at her word. [If there would be] any chance to work on these election issues in the future, I guarantee you, we're all ears.

I say that because I come from the State of Washington, and we have a very high election turnout. We have a very high election turnout rate because we have a vote-by-mail system that's been developed over a long period of time. My colleague knew my predecessor, Slade Gorton, who was a three-term Senator. In the 2000 election, I won by 2,229 votes. And I'm forever grateful to Senator Gorton for having faith in that election. That election that included provisional ballots and signatures and all sorts of things that people really understood. I think that's the principle here. Our election in the State of Washington is based on your signature.

That's the way it is now when you vote in person. And it is the way it is when you vote by mail. So our system has a lot of security in it, and this legislation that's before us today is to make sure that these rights, these civil [rights] and constitutional rights of individuals are upheld throughout the United States of America.

Now, I understand some of my colleagues may not like the ethics reform or campaign finance reform in the underlying bill. I support [those provisions]. But at the heart of this debate is whether we're going to fight to make sure that the federal government does its job on constitutional rights. I feel like there's a little bit of hiding going on in this discussion about whether we have a role, that this is somehow left up to the states. Which reminds me [of] when Rosa Parks was sitting on a bus, we didn't say it's just up to those individual states or when people were denied equal accommodations at hotels, we didn't say it was just up to those states. And we certainly didn't say when people used police dogs trying to intimidate women to vote in the 1960's, that it was just up to those states.

No, no, no. We did something about it. We passed the 1964 Civil Rights Act and the 1965 Voting Rights Act. We did that because intimidation was happening and we needed to correct for it. So I hope that our colleagues will think about this issue because to me, it's the same debate we're having on criminal justice reform. So many people on the other side of the aisle said, you know what? This is up to local police departments and it's just up to the local governments, and that's all there is to it. No, that's not all there is to this. This is about whether we do our job in upholding these constitutional rights when certain states don't do that.

And so these American voting rights are guaranteed by our constitution. The 15th amendment provides that voting rights cannot be abridged on the account of race, color, or previous condition of servitude. The 19th amendment, which turned a hundred years old last year,

provides the voting rights cannot be denied on account of sex. The 26th amendment provides that Americans 18 years of age or older cannot be denied the right to vote on account of age.

Generations of Americans fought for these rights over many decades, and they didn't come easy to us as a nation. And nor should we overlook, now, these issues as we think that these rights, these constitutional obligations that we should be fighting for, and should uphold, are facing challenges at the local level.

I know that my colleagues say that these are state rights to hold these elections. Article 1, Section 4 of the Constitution empowers Congress to make or alter rules for federal elections. The U.S. Supreme Court has repeatedly upheld this authority as broad and comprehensive. The U.S. Supreme court has held that the election clause gives Congress the authority to, quote, "override state laws to regulate federal elections."

Now, this was in a pretty famous case in 2015. The majority opinion in the *Arizona State Legislature vs. the Arizona Independent Redistricting Commission*, Justice Ginsburg wrote, quote, "the dominant purpose ever the elections clause, the historical record bears out, was to empower Congress to override state election rules. The clause was also intended to act as a safeguard against manipulation of electoral rules by politicians and factions in the states to entrench themselves or place their interests over those of the electorate," end quote.

So these issues are very clear. It is calling on us to make sure that we uphold those constitutional rights. But according to the Brennan Center for Justice at New York University School of Law, at least 14 states from Georgia, Florida, Oklahoma, and many others, have enacted voting rights since the 20' election to restrict individuals. My colleagues have been out here talking about some of those restrictions. And I think those that place undue burdens on individuals are something that we should be addressing. Yes, states have been at a different pace in allowing vote-by-mail...but we should be empowering people. We should say that we want to empower more people to vote under a system that is fair and gives them those opportunities to do so.

So there are at least 64 bills restricting voting rights moving through 18 State Legislatures, and I think that we should be making sure here that we have clarity on what will help us continue to empower the public to cast their vote.

[*For the People Act* is a] comprehensive bill [that] also authorizes \$1.7 billion in new federal grants to help secure the security of our voting system. Again, I like our vote-by-mail system in Washington state. It's based on my signature to the ballot that is checked at the ballot. I can tell you in the last election because of the ruses and various things that went on, 13 different people said that they voted [on my behalf]. But they didn't. And our election system caught that. They knew that it wasn't me and they checked the signature on the ballot and they knew that it was me. So even though the system has had people who are trying to cause distrust and discord about whether we have the right system, it is working. And the more we empower people, the better our democracy.

This legislation requires the Director of National Intelligence to report on threats to election infrastructure, including cyber threats, and requires the President to develop and implement a

national strategy for protecting U.S. democratic institutions. I know that these are things that we should be updating. Throughout our history, following the civil war and reconstruction, there were localities that used discriminatory tactics like poll taxes and literacy tests to keep African Americans from voting. The black community endured both of this kind of intimidation.

And in the years that followed, Americans have protested and marched for these voting rights. And out of this struggle, Congress passed and President Johnson signed the Civil Rights Act of 1964 and the Voting Rights Act to make sure that we kept these promises of our constitution. So the federal government has had to intervene and we have done so and I'm glad that we did.

So I hope that we will continue to say that these provisions that are so important to guaranteeing the right to franchise for Americans, are there, and that they are continuing to be modernized. I hope that what we'll do today is the start of an effort to focus on this.

I take my colleague at her word. I'm sure she is sincere about wanting to vote to help do something on election and our democracy. We need to start that process today. We need to move forward and we need to address these issues. We can't live in a world that allowed us to move forward on a very close election in Washington state. That wasn't the only one we had. We had another one, I think, was decided by probably, you know, a few hundred votes. And were there issues? Yes. And guess what? The system resolved it. The system found any mistakes.

I keep mentioning, you know, a gentleman who basically when it got down to somebody thought this was a governor's race was going to get down to 10 or 15 votes, basically decided to say that he had voted for his wife who had passed away. And admitted because he knew in the end that they were going to find out. And he thought it was better for come forth and say I made a mistake. She'd already passed. I sent in her ballot. It wasn't something I should have done. And we have a system that can work based on our signatures. It can and does today. When you go in to vote in person, you sign your name and that's the signature and that is the security of the system. And it has allowed us to trace and find and now expand to vote-by-mail. And it's time for us to say let's not make voting harder in the United States of America through a system that basically disenfranchises people, but make a system in the United States of America that is about giving people these opportunities so that people can feel this enthusiasm that we see when we successfully pull this off.

And what we need to be doing here is to show states that an 83% voter turnout in the State of Washington is a great victory. A high turnout is a great participatory system, and that's what we should be striving for with these reforms that are about security and about our constitutional rights. I hope our colleagues will support them.