



**TESTIMONY OF
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HEARING ON

**“WEAPONIZING FEDERAL RESOURCES:
EXPOSING THE SBA’S VOTER REGISTRATION EFFORTS”**

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON SMALL BUSINESS**

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¹ The Brennan Center for Justice at New York University School of Law is a nonpartisan law and policy institute that works to strengthen the systems of democracy and justice so they work for all. I am an Advisor for the Brennan Center and an independent consultant who has worked in the democracy field as a policy expert, advocate, and lawyer for over twenty years. My work has centered mostly on public policy research, executive and legislative advocacy, and enforcement action related to motor-voter and agency-based voter registration under the National Voter Registration Act of 1993. I have consistently published and spoken about motor-voter and agency-based registration, including in testimony before the Senate Rules and Administration Committee, the Subcommittee on Elections of the House Committee on House Administration, and the United States Commission on Civil Rights. My testimony does not purport to convey the views, if any, of the New York University School of Law.

Chairman Williams, Ranking Member Velázquez, and Members of the Committee:

Thank you for the opportunity to testify on the essential role federal agencies can and should play in promoting the freedom to vote. United States law and policy has long recognized the important role and duty of government – including the federal government – to provide information about and promote access to voter registration. While voter registration is administered by the states, a string of federal statutes starting in 1955 have not only articulated this duty but also mandated and authorized affirmative steps by the federal government to promote access to voter registration. The National Voter Registration Act of 1993 (“NVRA”) in particular expressly contemplates and authorizes federal agencies to partner with state election offices to provide voter registration services to their constituents, with the consent of the federal agency. It is against this backdrop that President Biden issued Executive Order 14019, firmly rooted in the law and policy of the United States. The implementation of that order by the Small Business Administration and other federal agencies furthers critical governmental interests as well as the interests of the American people.

I. For at least seventy years, federal agencies have been involved in voter registration activity.

The Elections Clause of the United States Constitution recognizes state authority to regulate federal elections, but it also gives Congress the overriding power to make entirely new election rules or alter state laws.² Congress’s powers under the Elections Clause are broad; as the Supreme Court has stated, the Elections Clause “invests the States with responsibility for the mechanics of congressional elections but only so far as Congress declines to pre-empt state legislative choices.”³ Congress has not been shy to exercise its Constitutional Elections Clause power in the context of voter registration, and has repeatedly involved federal agencies in voter registration.

A. The NVRA Involves Federal Agencies in Voter Registration.

Under its Elections Clause power, Congress in a bipartisan manner passed the NVRA, a comprehensive voter registration statute applicable to the District of Columbia and forty-four states.⁴ Notably, Congress included a finding in the NVRA that “it is the duty of the *Federal*, State, and local governments to promote the exercise of [the fundamental] right [to vote].”⁵ The statute’s purposes are:

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

² See U.S. Const. art I § 4, cl. 1. See also *Smiley v. Holm*, 285 U.S. 355, 366 (1932). See also *Arizona v. Inter Tribal Council of Ariz.*, 570 U.S. 1, 4 (2013).

³ *Arizona v. Inter Tribal Council of Ariz.* at 5.

⁴ National Voter Registration Act of 1993, Pub. L. 103-31 (1993), <https://www.congress.gov/103/statute/STATUTE-107/STATUTE-107-Pg77.pdf>.

⁵ 52 USC § 20501(a)(2) (emphasis added). See also 52 USC § 20501(a)(1).

- (2) to make it possible for Federal, State, and local governments to implement [the Act] in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.⁶

To these ends, the statute sets forth a range of federal requirements for voter registration and voter roll maintenance in the states.

Two of the voter registration methods mandated by the NVRA are especially notable here. The first method, known colloquially as “Motor Voter,” requires, at state motor vehicles departments, that driver’s license applications (or renewal applications) simultaneously serve as voter registration applications.⁷ Congress presumed motor vehicles departments would become the primary location where voter registration occurs and, indeed, Motor Voter registration applications have been the most common source of voter registration activity.⁸ This portion of the law has been remarkably successful. According to the annual report of the United States Election Assistance Commission, in the 2021-2022 reporting period alone, a total of 44,051,378 Americans registered to vote or updated their voter registration address through the Motor-Voter process – accounting for 55 percent of all reported voter registration activity.⁹ Since passage, the Motor Voter process has accounted for 30 to 55 percent of all reported voter registration activity, consistently ranking as the single voter registration method used most frequently.¹⁰

The NVRA also requires states to designate other state agencies to provide voter registration services, including all offices in the State that offer “public assistance” and all offices that administer state-funded programs that primarily provide services to people with disabilities.¹¹ The statute also expressly requires United States Armed Forces recruitment offices – federal entities – to serve as voter registration agencies.¹² This too has been a successful program. Under both the Motor Voter and agency registration processes, the provision of the opportunity to apply to register to vote, or change a voter registration address, is carried out by public servants in a completely nonpartisan manner and, over the last thirty years, has become a broadly used, widely accepted part of the voter registration landscape.

⁶ 52 USC § 20501(b).

⁷ 52 U.S.C. § 20504.

⁸ Lisa J. Danetz, *Motor Vehicle Departments: Bedrock of American Democracy*, Democracy Fund, January 2021, https://democracyfund.org/wp-content/uploads/2021/02/2021_DF_MotorVehicleDepartmentReport.pdf.

⁹ U.S. Election Assistance Commission, *Election Administration and Voting Survey 2022 Comprehensive Report*, June 2022, https://www.eac.gov/sites/default/files/2023-06/2022_EAVS_Report_508c.pdf.

¹⁰ See U.S. Election Assistance Commission, “National Voter Registration Act Studies,” accessed September 5, 2019, <https://www.eac.gov/voters/national-voter-registration-act-studies/>. See also, U.S. Election Assistance Commission, “Studies and Reports: Election Administration and Voting Survey (EAVS) Comprehensive Report,” accessed September 5, 2019, <https://www.eac.gov/research-and-data/studies-and-reports>.

¹¹ 52 U.S.C. § 20506(a).

¹² 52 U.S.C. § 20506(c).

In addition to these mandatory voter registration agencies, the NVRA requires each state to designate one or more additional offices within the state to serve as voter registration agencies, and it specifically permits federal offices (with their agreement) to fulfill that role.¹³ Toward that end, the law includes a directive that is especially relevant to President Biden’s Executive Order on Voting: it directs that “[a]ll departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the states in carrying out [agency-based voter registration].”¹⁴

A number of federal agencies have served as voter registration agencies since the NVRA was first implemented. As noted, armed forces recruitment offices are mandatory agencies. Additionally, in 2009, Congress passed the Military and Overseas Empowerment (“MOVE”) Act,¹⁵ which *inter alia* included authorizations and procedures that led to offices on federal military installations being designated as voter registration agencies.¹⁶ Recently, responsive to Executive Order 14019, two tribal colleges operated by the Department of the Interior, certain Indian Health Services operated by the Department of Health and Human Services, and several health facilities of the Department of Veterans Affairs all have been designated as voter registration agencies.¹⁷

It is worth noting that federal agencies that have not been specifically designated as mandatory voter registration agencies have *also* nevertheless facilitated access to voter registration opportunities over the years. As one example, the Veterans Health Administration (VHA), an entity within the Department of Veterans Affairs, issued a directive in September 2008 (under a Republican administration) adopting a “policy for assisting patients who seek information on voter registration and voting.”¹⁸ The policy especially sought to address the needs of patients in “community living centers, domiciliaries, and patients with limited access to other voter registration and information resources,” and identified the ways in which the VHA would assist patients in accessing voter registration opportunities. That Directive ultimately was replaced in 2014 by VHA Directive 1060, which expanded on the earlier policy.¹⁹ In 2019, when VHA Directive 1060 expired, the VHA again reissued new Directive 1060, continuing the

¹³ 52 U.S.C. § 20506(a)(3)(B)(ii).

¹⁴ 52 U.S.C. § 20506(b).

¹⁵ National Defense Authorization Act for Fiscal Year 2010, Pub. L. 111-84, §§ 575-589 (2009), <https://www.congress.gov/111/plaws/publ84/PLAW-111publ84.pdf>.

¹⁶ 10 U.S.C. § 1566a(e).

¹⁷ See U.S. Department of the Interior, “Interior Department Takes Steps to Increase Voter Registration in Indigenous Communities,” last updated December 13, 2022, <https://www.doi.gov/pressreleases/interior-department-takes-steps-increase-voter-registration-indigenous-communities>; Chelsea Gutierrez, “Indian Health Service Launches Voter Registration Pilot Program at Indian Health System Sites,” National Council of Urban Indian Health, November 1, 2023, <https://ncuih.org/2023/11/01/ihs-launches-voter-registration-pilot-program-at-indian-health-system-sites/>; and U.S. Department of Veterans Affairs, “VA Announces State Partnerships to Provide Voter Registration Assistance to Veterans,” September 20, 2022, <https://news.va.gov/press-room/va-announces-state-partnerships-to-provide-voter-registration-assistance-to-veterans/>.

¹⁸ U.S. Department of Veterans Affairs, Veterans Health Administration, “VHA Directive 2008-053: Voting Assistance for VA Patients,” September 8, 2008, in the author’s possession.

¹⁹ U.S. Department of Veterans Affairs, Veterans Health Administration, “VHA Directive 1060: Voting Assistance for VA Patients,” March 31, 2014, in the author’s possession.

agency's assistance to patients for access to voter registration opportunities.²⁰ Other federal agencies have also facilitated access to voter registration opportunities.

B. Other Federal Statutes Involve Federal Agencies in Voter Registration.

Congress's use of its Elections Clause power to involve federal agencies in voter registration has not been limited to the NVRA. As early as 1955, Congress passed the Federal Voting Assistance Act, which provided for absentee voter registration and voting for members of the military, their families, and others overseas.²¹ Under that Act, President Eisenhower designated the Department of Defense, which then created the Federal Voting Assistance Program (FVAP), a new federal entity to oversee the programs established by the law.²² Thirty years later and addressing a similar issue, a bipartisan Congress in 1985 passed the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA").²³ UOCAVA, again relying on the office of the FVAP, required the development of an official postcard form that contained both an absentee voter registration application and an absentee ballot application for use by the states; the compilation and distribution of descriptive material on state absentee voter registration and voting procedures; and the creation of a recommended process for states to register uniformed and overseas voters. It also directed the federal General Services Administration to furnish the official post card forms and federal write-in ballots described in the law.²⁴

In the first decade of the millennium, Congress continued to involve federal agencies in voter registration. In 2002 when it passed the Help America Vote Act (HAVA)²⁵ on a bipartisan basis, Congress created a new federal entity – the Election Assistance Commission – charged with providing information and assistance relating to elections and election administration. Congress also transferred to the EAC responsibility for developing and prescribing regulations regarding the National Mail Voter Registration Form mandated by the NVRA and issuing a biennial report relating to states' performance of their responsibilities under the NVRA.²⁶

HAVA also imposes voter registration-related responsibilities on certain federal agencies. It requires the Social Security Administration to work with states to verify voter registration information that states receive on voter registration applications.²⁷ It requires military

²⁰ See U.S. Department of Veterans Affairs, Veterans Health Administration, "VHA Directive 1060: Voting Assistance for VA Inpatients and Residents," October 23, 2019, available at <https://www.va.gov/vhapublications/publications.cfm?pub=1>.

²¹ Federal Voting Assistance Act of 1955, Pub. L. 84-296 (1955), <https://www.govinfo.gov/content/pkg/STATUTE-69/pdf/STATUTE-69-Pg584.pdf>.

²² R. Sam Garrett, *The Uniformed and Overseas Citizens Absentee Voting Act: Overview and Issues*, Congressional Research Service, October 26, 2016, <https://crsreports.congress.gov/product/pdf/RS/RS20764>.

²³ Uniformed and Overseas Citizens Absentee Voting Act, Pub. L. 99-410 (1986), <https://www.congress.gov/99/statute/STATUTE-100/STATUTE-100-Pg924.pdf>.

²⁴ See Uniformed and Overseas Citizens Absentee Voting Act §§ 101, 104.

²⁵ Help America Vote Act of 2002, Pub. L. 107-252, <https://www.congress.gov/107/plaws/publ252/PLAW-107publ252.pdf>.

²⁶ The NVRA initially vested the FEC with these responsibilities. See National Voter Registration Act § 9. However, HAVA transferred those responsibilities to the EAC. See Help America Vote Act § 802.

²⁷ 52 U.S.C. § 21083 (a)(5)(B).

departments – to the maximum extent practicable – to ensure members of the Armed Forces and their dependents have ready access to information regarding voter registration requirements and deadlines and the availability of voting assistance officers to help them understand and comply with requirements. And it requires military departments to make the national mail voter registration form available so that each person who enlists can receive the form at the time of their enlistment.²⁸

Finally, in 2009, Congress passed the bipartisan MOVE Act, amending UOCAVA to require the Department of Defense to specify “voter assistance offices” on military installations, where servicemembers could receive information about voter registration, as well as assistance when registering to vote or updating their registration. It further authorized the Department of Defense to then designate such offices as voter registration agencies under the NVRA. The MOVE Act also required the Federal Voter Assistance Program to gather and share information about voter registration procedures with servicemembers.²⁹

II. The NVRA Intended that Federal Agencies Would Play A Greater Role As Voter Registration Agencies.

It is against this backdrop of 70 years of federal agency involvement in voter registration that President Biden issued Executive Order 14019, Promoting Access to Voting (the “Executive Order”) on March 7, 2021.³⁰ Among other things, the Executive Order enables federal agencies finally to fulfill the voter registration assistance role that Congress intended for them under the NVRA. While the NVRA authorized federal agencies to serve as voter registration agencies, we are aware of no federal agencies that agreed to a request by a state to designate that agency as a voter registration agency prior to the Executive Order. The Executive Order takes a whole-of-government approach to try to reach all Americans – wherever they engage with the federal government – to provide easier access to voter registration opportunities and reliable information about election and voting from trustworthy sources. The Executive Order encompasses agencies across the federal government, serving a broad cross section of Americans – from the Rural Housing Service, to the Small Business Administration to the Department of Veterans Affairs, to the Department of the Interior to the Department of Health and Human Services. Each agency is tasked with providing information about and access to voting and voter registration in different ways, consistent with their missions and authority. But generally, each is providing access to voter registration applications and reliable information about voting, elections, and voter registration.³¹ In other words, Executive Order 14019 is directing executive agencies on how to

²⁸ See Help America Vote Act § 701(d).

²⁹ See National Defense Authorization Act, §§ 577(a), 583.

³⁰ Executive Order 14019 of March 7, 2021, “Promoting Access to Voting,” 86 Fed. Reg. 13623 (March 10, 2021), <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

³¹ See White House Briefing Room, “Fact Sheet: Biden Administration Promotes Voter Participation with New Agency Steps,” September 28, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/28/fact-sheet-biden-administration-promotes-voter-participation-with-new-agency-steps/>; Susan E. Rice, “How the Biden-Harris Administration is Continuing to Promote Voting Access,” White House Briefing Room, September 20, 2022, <https://www.whitehouse.gov/briefing-room/blog/2022/09/20/how-the-biden-harris->

comply with a thirty-year old well-established law and fostering the realization of a longstanding yet unfinished federal policy.

Executive Order 14019 is not the first executive order related to federal agency involvement in voter registration pursuant to NVRA. After the NVRA's passage but prior to its implementation, President Clinton issued executive order 12926 that, among other things, encouraged but did not require federal agencies to agree to serve as voter registration agencies pursuant to state designation.³² Unfortunately, that portion of that executive order, which stayed in effect through multiple Democratic and Republican administrations until executive order 14019 formally superseded it, never accomplished its intended outcome.

Executive Order 14019 goes one step further than its predecessor to require, rather than merely encourage, an agency's acceptance of designation where it is legally authorized to do so. This simple change has been effective in its impact, prompting the realization of a federal policy goal of more than thirty years.

III. Michigan's recent agreement with the Small Business Administration is a straightforward application of Section 7 of the NVRA.

On March 19, 2024, the U.S. Small Business Administration (SBA) announced an agreement with the state of Michigan to promote civic engagement and voter registration in the state.³³ Under the plan at issue in this hearing – laid out in a Memorandum of Agreement (MOA)³⁴ and associated Memorandum of Understanding (MOU)³⁵ between the SBA and the Michigan Department of State – the parties have operationalized Michigan's formal designation of the SBA as a voter registration agency under the National Voter Registration Act of 1993, enabling SBA offices in the state to provide Michiganders making use of the agency's services with opportunities to register to vote. This agreement is a positive step toward ensuring that all Michigan voters have access to voter registration.

[administration-is-continuing-to-promote-voting-access/](https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/05/fact-sheet-the-biden-harris-administration-continues-to-promote-access-to-voting/); and White House Briefing Room, "Fact Sheet: The Biden-Harris Administration Continues to Promote Access to Voting," March 5, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/05/fact-sheet-the-biden-harris-administration-continues-to-promote-access-to-voting/>.

³² Executive Order 12926 of September 12, 1994, "Implementation of the National Voter Registration Act of 1993," 59 Fed. Reg. 47227 (September 14, 1994), <https://www.federalregister.gov/documents/1994/09/14/94-22969/implementation-of-the-national-voter-registration-act-of-1993>.

³³ U.S. Small Business Administration, "SBA Administrator Guzman Announces Agency's First-Ever Voter Registration Agreement with Michigan Department of State," March 19, 2024, <https://www.sba.gov/article/2024/03/19/sba-administrator-guzman-announces-agencys-first-ever-voter-registration-agreement-michigan>.

³⁴ Michigan Department of State and U.S. Small Business Administration, "Memorandum of Agreement Between the Michigan Department of State and U.S. Small Business Administration," March 2024, available at <https://docs.house.gov/meetings/SM/SM00/20240523/117369/HMTG-118-SM00-20240523-SD002.pdf>.

³⁵ Michigan Department of State and U.S. Small Business Administration, "Memorandum of Understanding Between the Michigan Department of State and U.S. Small Business Administration for Online Voter Registration," March, 2024, available at <https://docs.house.gov/meetings/SM/SM00/20240523/117369/HMTG-118-SM00-20240523-SD003.pdf>.

The agreement is plainly authorized – and encouraged – by the NVRA. Michigan designated the SBA (acting through its Michigan district offices) as a voter registration agency in the state, and the SBA agreed to the designation. That designation and agreement is memorialized in the MOA.

Because the designation of SBA as a voter registration agency occurred under the authority of the NVRA, the SBA in its conduct as a voter registration agency is subject to the NVRA – including the law’s proscription against agency staff exerting political or other pressure on individuals registering to vote. Section 7 of the NVRA specifies that designated agency staff providing voter registration services

shall not—

- (A) seek to influence an applicant’s political preference or party registration;
- (B) display any such political preference or party allegiance;
- (C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
- (D) make any statement to an applicant or take any action to purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.³⁶

Thus, like the nonpartisan voter registration that has occurred for decades in mandatory state agencies, voter registration through the designated SBA offices must occur in a nonpartisan manner. Other federal laws and regulations also ensure neutrality in voter registration.

In addition to being subject to the NVRA, Michigan and the SBA are directed by the provisions of the MOA and MOU. The MOA provisions generally track the processes and procedures for mandatory voter registration agencies, with similar requirements. For example, just like mandatory state agencies, SBA will provide voter registration services to those applying, recertifying or renewing, or updating their address with respect to SBA’s assistance or services.³⁷ Just like mandatory state agencies, SBA will provide access to a voter registration application, offer the same level of assistance as is provided for completion of other SBA forms, and accept and transit completed voter registration forms (through the unique URL that will be programmed).³⁸ Finally, just like mandatory state agencies, and as already applicable directly from the NVRA, the MOA includes directions that mirror those quoted above from the NVRA itself, to keep voter registration services non-partisan, as is the case (and has been the case) for the almost 30 years that state agencies have acted as voter registration agencies.³⁹

³⁶ 52 USC § 20506(a)(5).

³⁷ See 52 USC § 20506(a)(6)(A); and Memorandum of Agreement § VI.

³⁸ See 52 USC §§ 20506(a)(6)(A), 20506(a)(6)(C), and 20506(d); and Memorandum of Agreement § VII.

³⁹ See Memorandum of Agreement § X (“Prohibited Agency Conduct”).

IV. Providing Voter Registration Access Through Broader Public Agency Voter Registration Serves an Important Policy Goal in American Democracy.

Voter registration is the crucial first step towards casting a ballot, and by proxy, ensuring that our governing institutions are representative of and responsive to the American people. Unfortunately, however, U.S. voter registration and participation rates are notably low – especially when compared to our peer nations.⁴⁰ According to Census Bureau data, just 69% of the citizen voting-age population was registered to vote during the 2022 midterms.⁴¹ That means approximately one in every four eligible voters – tens of millions of Americans – could not cast a ballot in the most recent federal election, simply because they were not registered.

Mobility challenges, administrative obstacles, and lack of access to information all act as barriers to registration and participation.⁴² Likewise, since the 2020 election (and more broadly, since the Supreme Court gutted the Voting Rights Act in 2013’s *Shelby County v. Holder* decision) state legislatures across the country have enacted an unprecedented wave of restrictive policies making it harder for people to register and vote.⁴³

These barriers make it especially difficult for certain citizens – like voters with disabilities, voters of color, Native American voters, and rural and low-income voters – to access the franchise, as evidenced by stark disparities in registration rates between demographic groups. In 2022, for example, nearly 80% of eligible white non-Hispanic voters were registered to vote compared to just 64% of Black voters, 59% of Asian voters, and 58% of Hispanic voters.⁴⁴ Lower-income people have been registered to vote at rates significantly lower than those who are more affluent: In that same election cycle, the registration rate among voters making less than \$50,000 was nearly twenty percentage points behind that of voters making \$100,000 or more.⁴⁵ Similarly, during the 2020 election, voter registration rates among Native American communities

⁴⁰ Drew Desilver, “Turnout in U.S. has soared in recent elections but by some measures still trails that of many other countries,” Pew Research Center, November 1, 2022, <https://www.pewresearch.org/short-reads/2022/11/01/turnout-in-u-s-has-soared-in-recent-elections-but-by-some-measures-still-trails-that-of-many-other-countries/>.

⁴¹ United States Census Bureau, “2022 Voting and Registration Data Now Available,” May 2, 2023, <https://www.census.gov/newsroom/press-releases/2023/2022-voting-registration.html>.

⁴² Michael Waldman and Inimai Chettiar, *15 Executive Actions*, Brennan Center for Justice, April 15, 2014, 7, <https://www.brennancenter.org/our-work/policy-solutions/15-executive-actions>.

⁴³ See Jasleen Singh and Sara Carter, “States Have Added Nearly 100 Restrictive Laws Since SCOTUS Gutted the Voting Rights Act 10 Years Ago,” Brennan Center for Justice, June 23, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-gutted-voting-rights>. See also Brennan Center for Justice, *Statement for the Record for the Hearing on the Right Side of History: Protecting Voting Rights in America, Before the Senate Judiciary Committee*, March 12, 2024, 12, <https://www.brennancenter.org/sites/default/files/2024-03/Brennan%20Center%20SFR%20for%20March%2012%2C%202024%20SJC%20Hearing.pdf>.

⁴⁴ See U.S. Census Bureau, “Voting and Registration in the Election of November 2022,” April 2023, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html> (Table 2).

⁴⁵ U.S. Census Bureau, “Voting and Registration” (Table 7). See also National Low Income Housing Coalition, “New Census Data Reveal Voter Turnout Disparities in 2022 Midterm Elections,” May 15, 2023, <https://nlihc.org/resource/new-census-data-reveal-voter-turnout-disparities-2022-midterm-elections> (“While 73% of eligible homeowners were registered to vote in November 2022, only 58% of eligible renters were registered. Eighty-two percent of eligible voters with household incomes above \$100,000 were registered, compared to just 57% of eligible voters with household incomes below \$20,000.”).

stood at about 64% – thirteen percentage points behind the national average for the presidential election year, and nearly 17% behind that of white voters.⁴⁶

Improving our democracy and ensuring full access to the franchise should be a central federal mandate. By providing access to voter registration application opportunities and reliable voting-related information from trustworthy sources, President Biden’s Executive Order 14019 helps move the country closer to that goal. Importantly, the Executive Order takes a whole-of-government approach in order to reach *all* Americans. Public agency voter registration is a broadly accepted, widely used, nonpartisan model that makes voter registration opportunities accessible to the American public. Through its agreement to designation, SBA is adopting that model for the benefit of its constituency.

While the Executive Order takes critical steps to improve access to and information about the franchise, much more is needed. The freedom to vote in America is under escalating attack. Our national laws and policies need to be updated to enable our election systems to better withstand attacks from those seeking to interfere in election administration and outcomes, restrict access to the franchise, manipulate election processes in a discriminatory manner, and undermine election integrity. Our democracy faces other serious challenges as well, including extreme gerrymandering and an explosion of special interest money in elections. To move forward, Congress should do more than embrace the Executive Order. It should lay down a new foundation for a thriving democracy by passing the Freedom to Vote Act⁴⁷ and the John Lewis Voting Rights Advancement Act.⁴⁸

⁴⁶ See White House Interagency Group on Native American Voting Rights, *Report of the Interagency Steering Group on Native American Voting Rights*, The White House, March 2022, 9, <https://www.whitehouse.gov/wp-content/uploads/2022/03/Tribal-Voting-Report-FINAL.pdf>. See also, U.S. Census Bureau, “Voting and Registration in the Election of November 2020,” April 2021, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

⁴⁷ See Daniel I. Weiner and Andrew Garber, “Pass the Freedom to Vote Act,” Brennan Center for Justice, July 17, 2023, <https://www.brennancenter.org/our-work/research-reports/pass-freedom-vote-act>; and Brennan Center for Justice, “What the Freedom to Vote Act Would Do,” last modified July 13, 2023, <https://www.brennancenter.org/our-work/research-reports/freedom-vote-act>.

⁴⁸ See Andrew Garber, “Pass the John R. Lewis Voting Rights Advancement Act,” Brennan Center for Justice, last modified March 8, 2024, <https://www.brennancenter.org/our-work/research-reports/pass-john-r-lewis-voting-rights-advancement-act>; and Brennan Center for Justice, “The John Lewis Voting Rights Advancement Act,” last modified February 29, 2024, <https://www.brennancenter.org/our-work/research-reports/john-lewis-voting-rights-advancement-act>.