

# WORLD NEWS GROUP

## Voting bill hits Senate standoff

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The U.S. House of Representatives passed voting legislation on Thursday along party lines, setting the stage for a Senate showdown over not only election reforms but also how the chamber processed legislation. President Joe Biden met with Democratic lawmakers for lunch in an effort to revitalize his stalled voting-rights agenda.

The two parties have different new year's resolutions: Democrats aim to pass election reform legislation to reverse what they call Republican voter suppression tactics. Republicans say they want to reinforce election integrity by improving security safeguards and updating outdated legislative language.

Senate Majority Leader Chuck Schumer, D-N.Y., set Martin Luther King Jr. Day as the deadline to pass voting legislation. If Republicans don't cooperate, Schumer says he'll push to eliminate the Senate filibuster. Democrats have tried to link their party agenda with the civil rights movement, and Biden likened attempts to reject election results with Jim Crow-era laws, citing the Capitol riot a year ago.

"It is beyond distasteful for some of our colleagues to ham-fistedly invoke the Jan. 6 anniversary to advance these aims," Senate Minority Leader Mitch McConnell, R-Ky., said of the filibuster threat. "The fact that violent criminals broke the law does not entitle Senate Democrats to break the Senate."

The Freedom to Vote Act Democrats hope to pass would expand voter registration, establish Election Day as a holiday, and create new criteria for legislative redistricting. It would also give the Justice Department the right to intervene in states that it decides have discriminatory election laws. The agency would then have the power to roll back state-level Republican changes to voter laws such as ID requirements at the polls.

Passing that bill, though, requires a three-fifths majority in the evenly divided Senate. If fewer than 60 senators vote to approve "cloture" to end debate on the legislation and move it forward, it is filibustered. That filibuster rule, formally known as Senate Rule 22, dates to 1917.

Fed up with Republican opposition and concerned with what they see as voting restrictions, many Democratic senators say it's time to allow a simple majority to invoke cloture. Because the Senate is split 50-50 between Republicans and Democrats, Vice President Kamala Harris would have the tie-breaking vote.

“If Republicans continue to hijack the rules of the Senate to turn this chamber into a deep freezer, we are going to consider the appropriate steps necessary,” Schumer said Monday.

Democrats can use a procedural rule to force a change to the Senate filibuster rule with a simple majority vote, but they need every Senate Democrat’s support to do so. Moderate Democrats Joe Manchin of West Virginia and Kyrsten Sinema of Arizona refuse to support any Senate rule changes without Republican buy-in—and no Republicans have signed on to eliminate the filibuster.

The late Harry Reid, D-Nev., the former Senate majority leader, eliminated the filibuster for most presidential nominations in 2013. McConnell eliminated it for Supreme Court nominations in 2017. Now Democrats want to eliminate it for legislation, easing passage for their agenda items.

But experts warn simple majority voting can swing both ways: If Republicans regain control of the Senate in 2022, they will have the power to reverse any laws Democrats enact on a straight party vote.

Across the aisle, Republicans want to update a different set of rules that determine voters’ rights, enacted in 1887. The Electoral Count Act was a response to the contested 1876 presidential election in which Samuel Tilden received the popular vote, but Rutherford B. Hayes won through electoral counts. The act requires states to resolve electoral votes by mid-December, and it appoints the vice president as the presiding officer over vote certification during a joint session of Congress.

The act does not clarify what authority the vice president has over whether to accept or reject certain electoral votes—an ambiguity that former President Donald Trump leveraged when he insisted that Vice President Mike Pence reject the election results on Jan. 6, 2020.

“We shouldn’t be facing a constitutional crisis every four years,” Andy Craig wrote for the Cato Institute. “Reforming the Electoral Count Act should be a rare case in today’s Washington where both parties can come together to avert the next crisis before it begins.”

McConnell said it might be time to stiffen the Electoral Count Act as a bipartisan compromise, but Democrats claim that gesture is an attempt to distract from more pressing issues.

“Put your money where your mouth is. Put something on the table, and let’s vote,” Sen. Elizabeth Warren, D-Mass., told Politico about Republican claims of willingness to address voting reform. “I’m not off to chase those rabbits until somebody has shown some real detail.”

Sinema reiterated that she won’t budge on changing the filibuster, a move she called short-sighted on Thursday as Biden arrived at the Capitol to wrangle support for the Freedom to Vote Act.

“Nearly every party-line response to the problems we face in this body, every partisan action taken to protect a cherished value has led us to more division, not less,” Sinema said on the Senate floor. “We must address the disease of division, to protect our democracy.”