

The Freedom to Vote Act: Another capitulation to the Republican assault on democratic rights

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Senate Democrats unveiled their new voting rights bill last week following the failure of the For the People Act to overcome a Senate filibuster in July. Named the Freedom to Vote Act, the new bill is an attempt to court support from right-wing Democrats and some Republican senators.

The Freedom to Vote Act is the product of extensive negotiations between leading Democrats and Democratic Senator Joe Manchin of West Virginia, who has been a significant force in stalling much of the Biden administration's agenda. His opposition to altering the filibuster and insistence on bipartisan, i.e., Republican, support has given Manchin an influential role in the Senate and allowed the Democratic leadership to use him as an all-purpose excuse for the failure to pass legislation, including a voting rights reform bill.

Senate Majority Leader Chuck Schumer and President Biden have both embraced Manchin's position that a voting rights bill must be bipartisan and pass the 60-vote threshold required to overcome a filibuster. In other words, a measure to protect voting rights can only be passed if at least 10 senators of the party seeking to destroy voting rights agree to support it. This cynical formula effectively assures that nothing will be done.

In the meantime, the negotiations with Manchin have taken the form of a series of preemptive capitulations. Manchin suggests that this or that change should be made to the legislation—invariably of a right-wing character—in the hopes of attracting the votes of one or more Republican senators. These concessions are duly made, but no Republicans come forward with their support. So then more concessions have to be made, with Manchin driving the process further and further to the right.

The Freedom to Vote Act has undergone extensive alterations from the For the People Act, which passed the

House in the spring. There are several elements that remain the same. The bill still includes provisions for automatic voter registration, requirements for two weeks of early voting and the recognition of Election Day as a federal holiday.

One of the most critical elements still retained in the new bill is the provision that would restore the right to vote to former felons. The bill notes that 5.2 million people are currently disenfranchised by laws stripping former felons of the right to vote. More than a quarter of these are in Florida, and most are in the southern states. African Americans are disenfranchised at four times the rate of whites.

Other elements in the Freedom to Vote Act would address some of the most widespread Republican attacks on voting rights. Nearly 30 states have introduced or passed legislation restricting voting hours, early voting and the ability of voters to utilize absentee ballots, in response to Trump's "big lie" about widespread mail-in vote fraud. For the most part, the provisions within the Freedom to Vote Act would undo many of these Republican restrictions.

However, the bill does not address some of the most significant threats to voting rights, such as Republican attempts to expand partisan control over local election officials and impose partisan poll watchers who act to intimidate voters at the polls.

Absorbing Georgia Senator Raphael Warnock's Preventing Election Subversion Act, the Freedom to Vote Act pretends to shield election workers from removal by partisan influences. Instead, the bill concedes that local election officials may be removed for "gross negligence, neglect of duty, or malfeasance in office." What those terms actually mean is left to the states to determine for themselves, meaning that the bill will do nothing to

reverse Republican laws that allow for the removal of election officials if they run afoul of state governments.

Not only this, but the only path for reinstatement provided by the bill is for the removed official or the US attorney general to sue the state, leaving the defense of democratic rights in the hands of federal judges, many of them appointed by Trump.

The most obvious capitulation by the Democrats is the removal of a federal ban on voter ID laws, contained in the previous For the People Act, and its replacement with federal guidelines for what such voter ID laws can prescribe. A national voter ID mandate was a provision proposed by Manchin, and it appears that a deal was struck between him and Senate Democrats on this matter.

The new section includes a host of new conditions restricting the kind of voter ID mandates that are permitted. States may not require more than the last four digits of a social security number, and requests for provisional ballots may be made with a written promise to provide adequate identification within 10 days of casting such a ballot.

The bill also includes measures for ballot “curing”—the process by which election officials contact voters in an attempt to correct mistakes or issues with cast ballots—and requires that states must provide a valid government ID to voters free of charge if requested.

The list of valid government IDs is quite extensive, ranging from standard government and school IDs, to hunting licenses and utility bills. The exhaustive nature of the list supposedly ensures that every eligible voter is able to provide at least one form of valid identification.

However, the requirement of any form of voter ID is anti-democratic and feeds the Republican myth of widespread voter fraud. The entire issue of voter ID has been manufactured by Republicans to disenfranchise poor and minority voters, who are more likely to lack the required identification.

The Democratic Party is so terrified of the working class and so ready to capitulate to the Republicans that it is prepared to concede any number of issues in the name of bipartisanship and compromise.

This is best exemplified by the provisions on partisan poll observers. Several Republican bills grant partisan poll watchers enhanced protections and status at the polls, opening the door to voter intimidation. Despite this, the Freedom to Vote Act only establishes that poll watchers may operate no closer than eight feet from voters and election workers.

This is a cynical capitulation to the fascists within the

Republican Party. An eight-foot limit may as well be an invitation for fascistic poll watchers to breath down the necks of voters and poll workers. Prior to the 2020 election, the state of Pennsylvania required poll observers to remain 20 feet away from election activity, before a Trump campaign challenge caused the limit to be reduced to six feet.

It is perhaps symbolic that the Democrats are giving election officials and voters just two more feet than the fascist Trump. It is a reminder that the Democratic Party stands just a few steps away from the far-right position of the Republicans.

Regardless of what is in the bill, it is unlikely to pass the Senate. Republican opposition remains strong, with Senate Republican Leader Mitch McConnell stating, “There is no rational basis for the federal government taking over how we conduct elections in this country. It is a solution in search of a problem, and we will not be supporting that.”

While the Democrats could simply alter the filibuster rule, numerous Senate Democrats, including Manchin, remain insistent that they will not support passing any bill by such means. President Biden also opposes repeal of the filibuster.

When questioned about the filibuster, Manchin responded that “the filibuster is permanent.” This is of course nonsense. The filibuster is a procedural rule which, in its current form, traces back to the efforts of southern Democrats to block civil rights legislation in the 1960s. The requirement at that time was a two-thirds majority of the Senate, or 67 votes, and this was reduced to 60 votes in 1975. A simple majority of the Senate could abolish it altogether.

The inevitable failure of the Democrats’ attempts to pass voting rights reform should be a warning to the working class. There is no genuine constituency for the defense of democratic rights in any section of the capitalist ruling class.

The Democratic Party cannot be entrusted with the defense of democratic rights. Only the broadest mobilization of the working class in the fight for socialism can defend democratic rights, including the most fundamental right, the right to vote.



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