

Fighting Corruption, Promoting Evidence

Reforms to Strengthen Democracy for the Public Good

HIGHLIGHTS

The United States suffers from low levels of integrity in its elections, which impacts both the ability of people protect their interests and the effectiveness of policymaking. The 2018 election cycle was plagued with voters having their eligibility questioned, voter suppression tactics that targeted vulnerable populations, and the first Congressional election declared invalid in three decades. The United States also dropped four points in international measures of least corrupt countries. Congress needs to ensure federal protection of voting rights and enact a series of evidence-based reforms to ensure the future integrity of our elections. Removing barriers to voting through automatic voter registration, early voting access, and wait time reduction will bolster participation. Independent redistricting and more proportional districting formulas will ensure fair representation. Public campaign financing and stronger disclosure and enforcement laws will reduce the influence of powerful moneyed interests that subvert scientific integrity and impartial oversight.

We cannot make science-based policies or achieve fair representation unless our democratic systems work. Right now, those systems are fracturing, with people disenfranchised, skewed representation in our legislatures, and sources of big money able to influence our elections and policy decisions without accountability.

An important element of our political system is the integrity of our elections. Elections convert our individual values into social choices and, ideally, reflect the expression of collective values such as political equality and majority rule. Free, fair, and competitive elections, as well as transparent governance, offer the greatest protections for our nation's ability to make evidence-based policy choices. Democracy and science share fundamental principles: respect for evidence, a commitment to openness and transparency, and a willingness to consider opposing views.

Those who manipulate elections and oversight, entrenching themselves or their parties in public office, often also try to subvert the integrity of science. In this context, underrepresented communities are less able to protect their interests. It is no coincidence that many of the same communities experiencing high levels of toxic exposures, diminished access to nutritious foods, and poor health outcomes are the same communities targeted for voter suppression (Latner 2018a).

Solutions for People, Public Health, and Science

Several current reforms proposed in Congress would help strengthen the integrity of US elections and help protect evidence-based policymaking from the undue influence of moneyed interests that currently plague our democracy.



Evidence-based policymaking can only come from elections built upon a foundation of science, not tainted by gerrymandering, conflicts of interests, and other forms of bias.

We need reforms, in part because the United States has the lowest level of electoral integrity among advanced industrial democracies (Figure 1) (Norris, Garnett, and Grömping 2016; DeSilver 2014). Political scientists have long observed that eligibility restrictions, limits to ballot access, and voter registration requirements depress voter turnout and magnify participatory inequalities (Leighley and Nagler 2013; Wolfinger and Rosenstone 1980). Recent elections, including the 2018 election, revealed both the ongoing dysfunctionality of

election practices in many states and the connection between turnout inequalities and poor policymaking (see box).

One major reform bill, the For the People Act of 2019 (H.R. 1), represents sweeping electoral and anti-corruption reform. It is perhaps the most significant attempt by Congress to fix our electoral system since the Voting Rights Act of 1965 (DRTF 2018). It would greatly expand access to the ballot box, restore electoral integrity and enforcement of the Voting Rights Act, and modernize campaign finance operation and oversight. Another introduced bill, the Corporate Political Disclosure Act of 2019, would require publicly traded corporations to disclose political expenditures to their shareholders and to the general public through the Securities and Exchange Commission (SEC) (Carbajal 2019). Finally, the Next Generation Votes Act of 2019 would ensure pre-registration of 16- and 17-year-olds for voting to help prepare them for the responsibilities of citizenship (Neguse 2019).

Some bills introduced in 2018, in the 115th Congress, would also have helped address these issues. The Fair and Inclusive Redistricting (FAIR) Map Act, for example, would have directed the National Academies of Sciences, Engineering, and Medicine to conduct a study to develop guidelines and best practices for, and examples of, congressional redistricting (McNerney 2018). The Fair Representation Act would have allowed voters to elect multiple representatives from larger electoral districts. For example, a state might elect five congressional delegates from a single, five-seat district, instead of five single-seat districts. This reduces the incentive to gerrymander electoral districts and ensures fairer representation of women and other underrepresented groups.

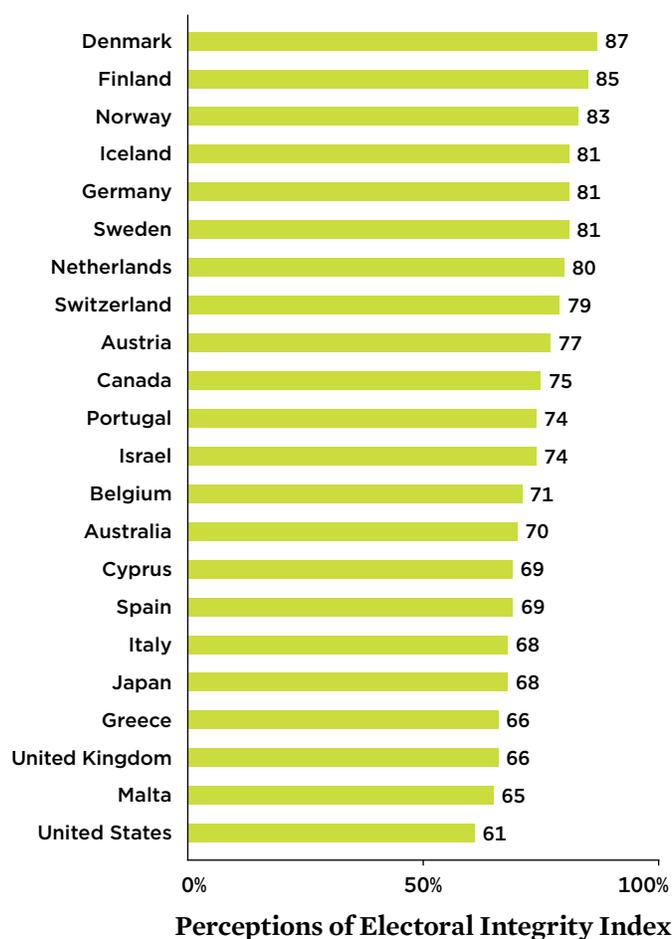
Together, these bills establish a clear reform path to strengthen our democracy and ensure that scientific evidence and open deliberation play a stronger role in decisionmaking. The Center for Science and Democracy at the Union of Concerned Scientists also advocates the following specific reforms.

ELIMINATE BARRIERS TO VOTER REGISTRATION

The ability to vote is a fundamental right for Americans. Yet, many hurdles make it difficult for voters to get and stay registered. Congress has the opportunity to ensure many more people are registered to vote through automatic voter registration (AVR), same-day registration (SDR) and pre-registration requirements for 16- and 17-year-olds.

With AVR, unless they opt out, eligible citizens are added to voter rolls, and their registration status is updated whenever they interact with a government agency, such as a department of motor vehicles. The implementation of AVR brings the additional advantages of more accurate voter rolls (through electronic transfer of information across agencies) and reduced costs associated with data entry, error

FIGURE 1. Electoral Integrity in Older Democracies



The United States has the lowest perceived electoral integrity among older, Western democracies.

Note: Countries are rated on the expert Perceptions of Electoral Integrity (PEI-4.0) 100-point index, which compares how countries around the world meet international standards. The scores are based on 180 national parliamentary and presidential contests held between July 1, 2012, and December 31, 2015, in 139 countries worldwide. Here, “experts” refers to nongovernmental organizations, policymakers, political scientists, and others with relevant expertise.

SOURCE: EIP 2016.

State-Level Battles for Voting and the Rights to Clean Air and Water

The most politically disenfranchised communities are often also those most affected by a host of other socioeconomic inequities, including health and environmental impacts. Access to voting has immediate consequences on the daily lives of Americans, as can be seen in these examples from Georgia, Michigan, North Carolina, North Dakota, and Texas.

- Last year in Georgia, now governor, but then secretary of state, Brian Kemp engaged in eligibility restrictions targeting primarily African American voters (Nadler 2018). A federal court reprimanded Kemp days before he oversaw his own election as governor (Smith 2018). Since taking office, the new governor has also been silent about taking action to test wells or issue consumption advisories after recent tests revealed extensive environmental contamination of groundwater (Lutz 2019).
- In 2013, the Michigan legislature, one of the most gerrymandered in the country, implemented an emergency management plan against the will of voters statewide, placing nearly half of the state's black population under state-appointed, rather than elected, officials. When one of these appointed officials changed the water source for the city of Flint to the Flint river, the residents became exposed to lead at levels up to seven times greater than the acceptable limit outlined by the Environmental Protection Agency (CNN Library 2018). More than 100,000 residents were exposed before a state of emergency was declared in 2016. Since then, health officials have observed spikes in infertility and miscarriages, as well as drops in newborn weight (Grossman and Slusky 2017).
- A federal appeals court in North Carolina stopped the state legislature from “targeting African-Americans with almost surgical precision” through a strict voter ID law prior to the 2016 election cycle (Domonoske 2017). However, the legislature passed another voter ID law in 2018. Several other barriers, including limits on early voting and precinct placement, have negatively affected African American turnout in the state. This North Carolina legislature is the same insulated majority that for years failed to provide oversight of or enforce regulations pertaining to the coal industry (Geiling 2018), eventually resulting in one of the worst coal ash disasters in the state's history (UCS 2017).
- Also in North Carolina, Art Pope—a major political player for decades and best known by the scientific community for his climate change denial and anti-regulatory agenda (conducted in cooperation with the Heartland Institute)—was one of the primary backers of NC Jobs, a political action committee that sponsored the mapmakers who designed North Carolina's extreme gerrymanders in 2011. This gerrymandered legislature actually went as far as banning scientific review of sea level rise (Halpern 2012).
- Indigenous peoples in North Dakota have historically been less likely to vote because of distrust of government, health problems, and poverty. But last year—and possibly in response to thousands of indigenous and environmental activists protesting against the Dakota Access oil pipeline at Standing Rock (Brady 2018)—the state required voter identification with proof of a residential address, even though many of those living on reservations list post office boxes on their identification.
- Just this January, following a surge in voter turnout among Texas Latinxs in 2018 (Herrera 2018), Secretary of State David Whitley posted a tweet beginning with “VOTER FRAUD ALERT” in which he falsely alleged a discovery of 95,000 noncitizens registered to vote. He sent similar notices to Texas county officials. Further investigation has flagged only 14 of the people listed as ineligible to vote, and they may all be citizens (Stern 2019). Such political moves are likely to affect the ability of voters in these districts to elect representatives that will protect their public health and environment. The League of United Latin Americans Citizens has since sued the state to stop eligible voter purging.

These are not isolated cases. In 2016, nearly two-thirds of US congressional districts with above-average levels of air pollution had below-average voter turnout, according to a recent study by the Union of Concerned Scientists (Latner 2018a). When groups of people are disenfranchised, policy-makers are less beholden to these constituents. This leads to fewer policies that use evidence and reflect the interests of the people. Stronger laws would ensure people have voting access and, in turn, elected officials who represent their interests.

correction, mailing, and shipping. More than a dozen states, with Republicans and Democrats leading together, have already adopted AVR in efforts to reduce discrimination and remove barriers to participation.

Similarly, SDR provisions ensure that anyone who has changed their registration status or has otherwise fallen through the cracks has an opportunity to cast a ballot on election day.



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Many residents living with socioeconomic challenges face additional barriers to the ballot box. Implementing early in-person voting and voting by mail can ease these burdens and will result in more equitable election results.

These two upgrades alone would substantially increase voter turnout, possibly more than any other single reform.

Pre-registration requirements for 16- and 17-year-olds, as proposed in the For the People Act and the Next Generation Votes Act, would further enhance participation (Neguse 2019). Integrating pre-registration into a broader high school civics curriculum would help ensure that the country prepares future voters for the responsibilities of full citizenship. Fourteen states—California, Colorado, Delaware, Florida, Hawaii, Louisiana, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Oregon, Rhode Island, and Utah—and the District of Columbia have enacted pre-registration (BCJ 2018).

PROTECT VOTER LISTS FROM MANIPULATION

In light of voter suppression tactics such as those identified in Georgia in 2018 (Nadler 2018), and a lack of appropriate court oversight, Congress should prohibit voter purging based on demonstrably flawed “exact match” criteria (Latner 2018b). With exact match criteria, people with minor inconsistencies between their names on a voter registration list and their IDs, such as hyphens and minor spelling differences, can be unjustly removed from the voter rolls. Removal of voters from registration lists should be based on positive evidence of ineligibility, not failure to vote or minor spelling errors. The For the People Act would prohibit the use of exact match purging tactics.

EXPAND EARLY AND PROVISIONAL VOTING

Voting inequalities result when people with fewer resources (such as access to transportation, money, time, and work-time

flexibility) find it harder to vote. The For the People Act would require states to implement early in-person voting and allow voting by mail at least two weeks prior to Election Day. Previous research has shown that restricting early in-person voting can lower turnout (Herron and Smith 2014). Congress should make every institutional opportunity to vote available, given the pervasive impact of socioeconomic inequalities on voter participation.

Congress should implement the following key standards:

- waiting times should be no longer than one hour;
- voters should not be turned away for lack of identification or similar restrictions without being allowed to cast a provisional ballot; and
- there should not be disproportionate numbers of exhausted ballots, such as rejected, wasted, or unaccepted ballots.

Such performance standards would ensure security and uphold voter eligibility requirements without discrimination, all while providing the necessary data collection to monitor voting rights violations.

REIN IN GERRYMANDERING AND PARTISAN BIAS

Voters deserve fair representation, yet with gerrymandering and partisan bias in redistricting, all votes are not counted equally. State political parties bias representation to maximize partisan advantage. This results in distorted policymaking in Congress.

Voters should choose representatives, not the other way around. The For the People Act would require nonpartisan, citizen-focused redistricting commissions for the drawing

of all congressional districts, as is done in California (CCRC 2017) and several other states. Further, the FAIR Map Act calls for best practices and guidelines for state redistricting to be established by the National Academies of Sciences, Engineering, and Medicine.

Beyond redistricting, to be most effective in eliminating gerrymandering of all kinds, governments can move away from the single-seat district systems that encourage gerrymandering in the first place. Congress should enact legislation that enables citizens to elect representatives using proportional representation (PR) (FairVote 2019). Under the Fair Representation Act (Beyer 2017), voters could choose multiple candidates in larger, multi-seat districts, so both Republicans and Democrats would likely win at least one seat, lowering the incentive to gerrymander. Proportional representation also achieves better representation for women and people of color, without the need to carve out special districts (Lublin and Bowler 2018; Norris 2006).

Eliminating gerrymandering through PR would also minimize another type of partisan bias in our current “winner take all” district system: hyper-responsiveness. This year in California, for example, Republican voters earned just 13 percent of House seats with 35 percent of the statewide vote, not because of gerrymandering but because of the way our electoral system amplifies the voting strength of the largest party. Proportional representation is a bipartisan reform.

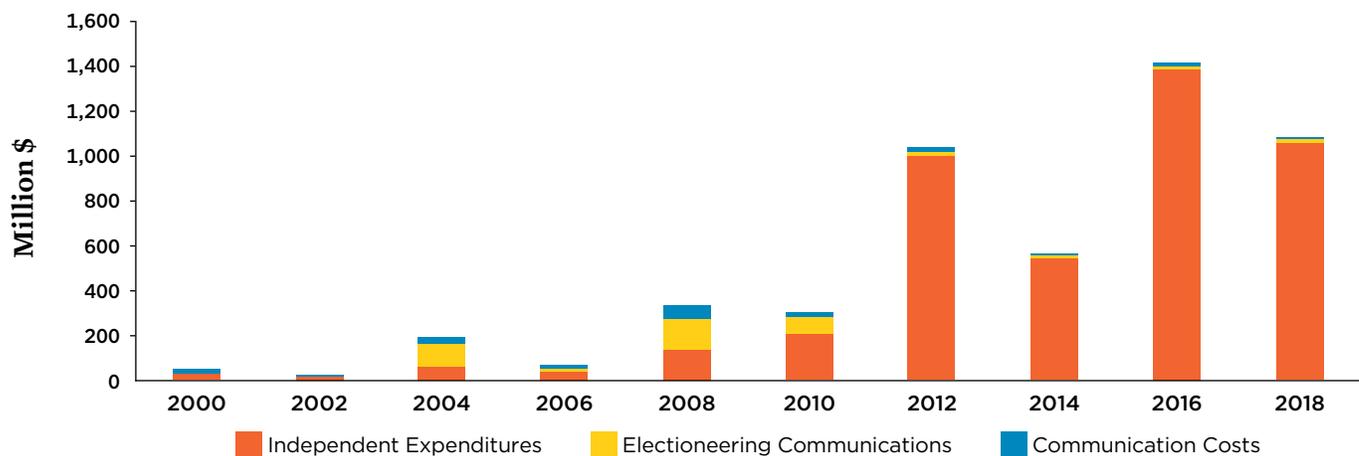
LIMIT THE POLITICAL POWER OF MONEYED INTERESTS

When the public does not know who influences policy decisions, we risk having a system that is more responsive to special interests than to the public interest. The Supreme Court’s 2010 decision in *Citizens United v. Federal Election Commission (FEC)* opened the floodgates of large sums of anonymous money pouring into our political system (Figure 2).

Industry-funded groups often inject misinformation into policy debates, with little accountability for who funds them (UCS 2018). This misinformation can drown out evidence-based policy debates. In the case of a carbon fee proposal in Washington State, for example, the fossil fuel industry spent nearly \$30 million on misinformation ads, dominating the policy conversation (Lavelle 2018; Mulvey 2018). Ultimately, the science-informed proposal was defeated.

Congress should authorize the SEC to require publicly traded companies to disclose their political spending to their shareholders and the public. Both the For the People Act and the Corporate Political Disclosure Act include such requirements. We need prompt disclosure of all political expenditures and a prohibition against any foreign campaign spending, as outlined in the For the People Act. Furthermore, companies that hold contracts with the federal government should have to disclose all political contributions and ad buys, and corporate executives should have to make public their purchases of political ads.

FIGURE 2. The Rise in Outside Groups’ Election Spending since *Citizens United*



Since the Supreme Court’s 2010 decision in *Citizens United v. Federal Election Commission*, election spending by companies, trade associations, and other groups has exploded. Because of a lack of transparency in our political system, these “dark money” groups can influence our elections without accountability.

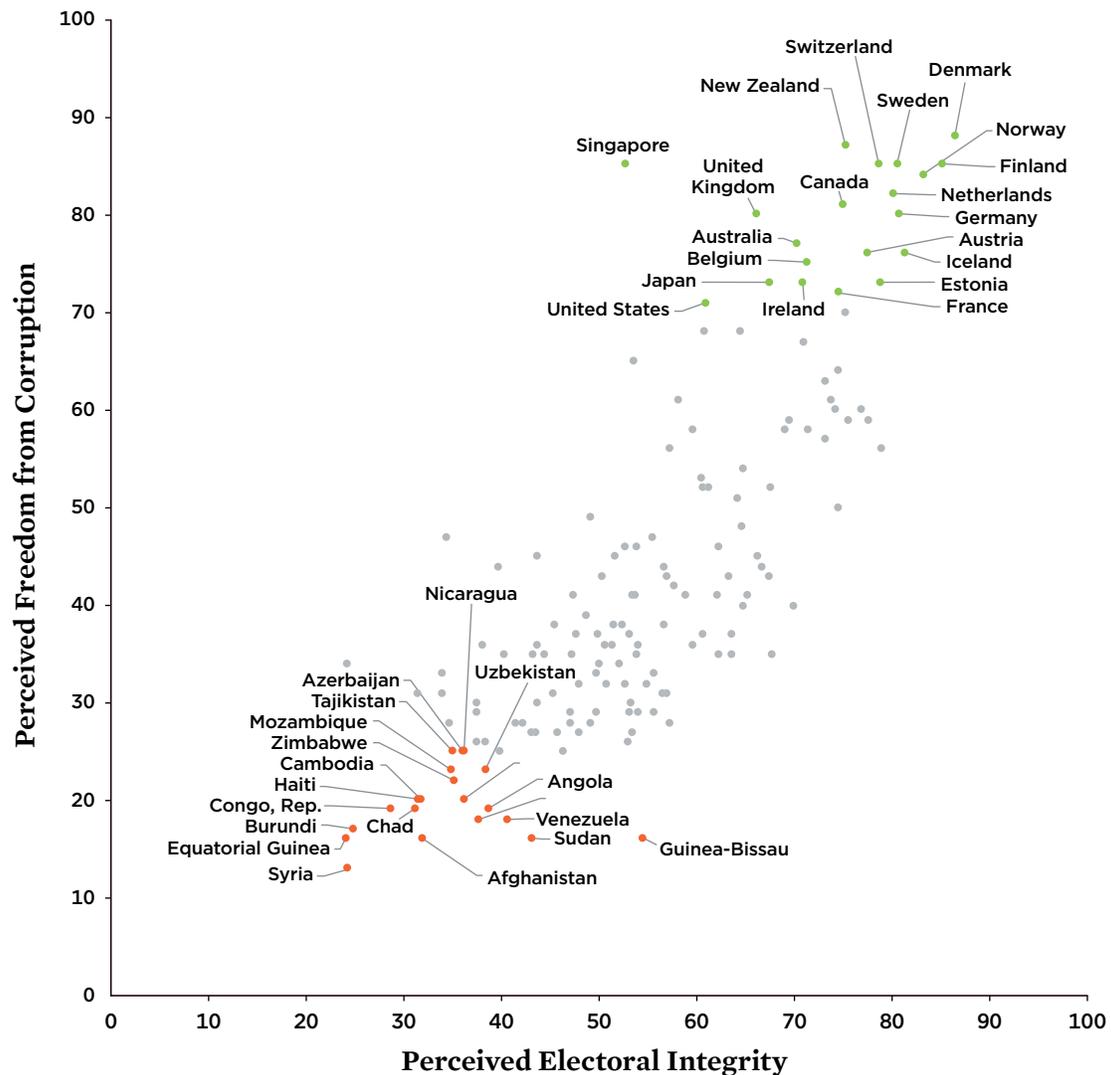
SOURCE: CRP N.D.

On another front in protecting democracy from moneyed interests, the FEC should be strengthened so that it can enforce campaign finance regulations. Right now, the notoriously dysfunctional six-member FEC consists of three Democrats and three Republicans. Reducing the current number of commissioners to five (two Republicans, two Democrats, and one independent) would enable the body to act on majority rule.

Ultimately, fair campaigns require more than disclosure. Public financing of campaigns would help reduce the political

impact of economic inequality on the election process. One innovative pilot program involves providing a \$25 voucher for registered voters to support candidates of their choice. Using a voucher program such as the one implemented in Seattle, Washington (Misra 2018), enables voters to individually decide which campaigns to support, while encouraging campaigns to seek out many small donations instead of relying on a small number of wealthy, private donors.

FIGURE 3. Electoral Integrity and Corruption



In an index measuring perceived freedom from corruption, the United States dropped four points in 2018. Perceptions of corruption are clearly linked to electoral integrity, especially for the world's older democracies.

Note: Indices representing nations' electoral integrity and freedom from corruption are calculated using a set of country-level data.

SOURCE: TRANSPARENCY INTERNATIONAL 2018.

ADDRESS OFFICIALS' CONFLICTS OF INTEREST

Stronger ethics rules would ensure our officials make decisions in the public interest based on evidence, not the influence of special interests to which they are connected. The heads of federal science agencies, for example, must be free to carry out the missions of those agencies, not pulled to do the bidding of regulated industry. Yet this is exactly what happened in the cases of former Environmental Protection Agency Administrator Scott Pruitt and former Department of the Interior Secretary Ryan Zinke. Both Trump-appointed officials were steeped in ethics scandals during their tenure. In several instances, they used their positions to give favors to their oil and gas industry connections and weakened public health and environmental protections that were inconvenient for regulated industries (Carter et al. 2019).

Global perceptions of corruption reflect these ethical lapses, as measured by Transparency International (Figure 3) (Transparency International 2018). For the first time since these data on transparency and governance have been collected, the United States' ranking has fallen out of the top 20 among the least corrupt governments.

Both the For the People Act and the Corporate Political Disclosure Act would curb abuses of government officials and address conflicts of interest. In addition to prohibiting election officials from overseeing their own elections, as happened in Georgia, these laws would require the federal Office of Government Ethics to issue rules on addressing conflicts of interest.

Further, individuals nominated or appointed to Senate-confirmed positions and certain other senior government officials would be required to disclose contributions or solicitations made by or on behalf of the entities they regulate. These individuals and their families would also have to disclose certain types of gifts. Together, these reforms would ensure more transparent governance and oversight, and reduce the risk of science being sidelined to the advantage of powerful interests.

Protecting Democracy, Protecting Science

Protecting democracy and science is not a partisan cause. A Republican president signed every reauthorization of the Voting Rights Act into law. A Republican-led House and Senate passed the last revisions. The politicization of both science and voting rights stands as a threat to democracy that we must avoid. The reforms outlined here can help ensure our federal elected officials fairly represent us and are free to use science to make decisions in the public interest.

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