

American democracy can't survive without federal election reform

## **The party in Trump's thrall is going after the very notion of fair elections. Yet Congress has failed to act.**

From the Editors in the [December 15, 2021](#) issue



(Photo by Element5 Digital on Unsplash)

In the 2020 election, Democrats won control over Washington, but Republicans won big in the states. In a census year, this put Republicans in charge of redrawing a lot of congressional districts. Now a *New York Times* analysis has found that if the 2020 election were held today and everyone voted the same way, the Democrats' majority of votes would no longer win them a majority of seats. The Republicans would lose the popular vote yet gain control of the House of Representatives

anyway.

Both major parties have gerrymandered congressional districts. But Republicans have developed the state-level power, the fine-tuned skill, and the general audacity to do it to far greater effect. The 2022 midterms may well demonstrate what a truly undemocratic change of power looks like—and that's in the House, easily the most democratic institution in the federal government. Both the Senate and the electoral college are beholden to the disproportionate power of smaller, more conservative states. The Democrats would be at a major disadvantage even if everyone played fair.

They don't, of course. This year, 19 Republican-controlled states passed laws making it harder to vote. Many target early voting and absentee ballots, the focus of baseless accusations of fraud in the 2020 election. Four states have introduced or increased criminal penalties—to go along with the existing harassment—for things like handing out water to voters waiting in line or helping people with disabilities turn in their ballots. A sweeping new law in Texas specifically targets voter access initiatives that proved successful in Democratic Houston.

Gerrymandering makes certain voters irrelevant; these state laws prevent others from voting in the first place. The two strategies are working in tandem to give Republicans an overwhelming advantage.

And if they lose anyway, they might not admit it. When he left office, President Trump shredded one more democratic norm: accepting defeat. Since then, state and local election officials who honorably chose democracy over Trump—many of them Republicans—have been targeted for electoral defeat by Trump loyalists. In the coming years, close elections in a given state may come down to which candidate happens to have something in common with the secretary of state: fealty to the former president.

Trump and the party in his thrall are going after the very notion of fair elections. Yet Congress has failed to act to protect them. GOP senators unanimously blocked both a sweeping election reform bill this summer and another, far less ambitious one this fall. Last month, a narrow bill to shore up protections of the 1965 Voting Rights Act did manage to get one GOP vote (it needed ten). Senate Republicans could not be clearer: there will be no bipartisan action to protect elections.

To pass any such law, [Senate Democrats will have to change the filibuster rule instead](#). That's long been necessary. Right now, it's urgent. Democracy is under open attack, and it needs defenders of all political parties and persuasions. Failing that, it needs whatever defenders it has to act anyway.

*A version of this article appears in the print edition under the title "Democracy's death spiral."*