



## NEWS & COMMENTARY

# Why the ACLU Supports the Electoral Count Reform Act

As we approach the second anniversary of January 6, Congress must address the vulnerabilities in our election certification process.



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As we near the end of 2022 and the second anniversary of the insurrection at the U.S. Capitol, Congress has the opportunity to pass much-needed reforms to the Electoral Count Act of 1887. The Electoral Count Act governs the process of casting and counting the Electoral College votes for president and vice president.



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As the events of January 2021 made clear, the current law contains poorly drafted language governing critical aspects of the election certification process, leaving it vulnerable to exploitation. Attempting to take advantage of the ambiguities in the Electoral Count Act on January 6, the former president and his supporters asserted that the vice president could change the election outcome. This resulted in the worst attack on our Capitol since the British set it on fire in 1814.

## **The Electoral Count Act governs the process of casting and counting the Electoral College votes for president and vice president.**

To fix the Electoral Count Act and provide much-needed clarity for the process of counting electoral votes, Sens. Susan Collins and Joe Manchin brought together a bipartisan group of senators over the past year to draft and introduce the [Electoral Count Reform and Presidential Transition Improvement Act of 2022](#) this July. Under their leadership, this bill has secured wider bipartisan support, including Majority Leader Chuck Schumer and Minority Leader Mitch McConnell.



The U.S. Capitol building at dawn.

AP Photo/J. Scott Applewhite

The [Electoral Count Reform Act](#) would ensure that the Electoral College votes tallied by Congress reflect the election results of each state's popular vote for president. To do this, the bill provides some clarity on the roles and interactions between federal and state entities in this process. Specifically, the bill reiterates the role of the vice president is solely clerical and that they cannot unilaterally accept, reject, or adjudicate the validity of electors or electoral votes. The bill also raises the threshold for the required number of senators and representatives needed to object to electoral votes.

And to ensure that Congress can identify a single, conclusive slate of electors from each state, the Electoral Count Reform Act reiterates that electors must be appointed on Election Day and provides further definition of the narrow set of circumstances that are exceptions to this requirement.

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Because of the bipartisan stewardship of these members, reforming the Electoral Count Act is close to crossing the finish line of this Congress. In September, the Senate Rules Committee [voted](#) to pass the Electoral Count Reform Act out of committee, a necessary step before a full Senate vote can happen, in a bipartisan vote of 14-1. And earlier that month, the House of Representatives passed the [Presidential Election Reform Act](#) in a bipartisan vote of 229-203. Introduced by Reps. Zoe Lofgren and Liz Cheney, the House bill reflects a similar general framework as the Senate legislation to update the Electoral Count Act, and is based on [recommendations](#) from the House Administration Committee, which is responsible for the oversight of federal elections and the day-to-day operations of the House of Representatives.

## **The Electoral Count Reform Act would ensure that the Electoral College votes tallied by Congress reflect the election results of each state's popular vote for president.**

These bipartisan, bicameral efforts to reform and modernize the Electoral Count Act by senators and representatives is a prime example of what elected officials can do when they work together. Every American should be confident that the presidential election results from their states will be honored. Reforming the Electoral Count Act is the first step toward repairing our democracy and ensuring a peaceful transfer of power, which is a cornerstone of American democracy.

It's time for Congress to pass the Electoral Count Reform Act and address the vulnerabilities in our electoral system. We hope that members will continue their commitment to set aside their party differences in the new Congress, and work to



preserve our democracy and protect the will of the American people by passing legislation to ensure access to and protect the right to vote.

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**Voting Rights**

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**Voting Rights**

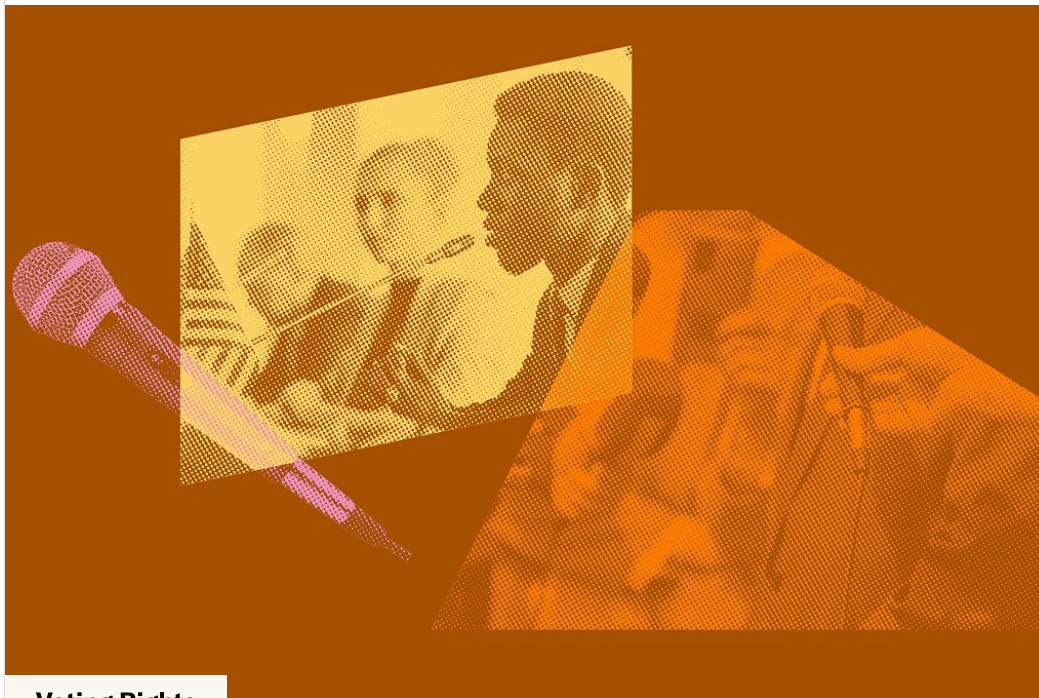
## Your Questions Answered: How to Vote Amid Trump's Attacks on Elections

ACLU experts explain how to cast your ballot while the Trump administration challenges our most valuable democratic process.

**By:** Hibah Ansari

 Press Release

Oct 2025



Voting Rights

### Court Strikes Down Key Part of Trump's Unlawful Voting Executive Order, Permanently Blocking Show-Your-Papers Requirement

WASHINGTON, D.C. — A federal court today issued a decisive ruling in *League of Women Voters Education Fund v. Trump*, permanently blocking a provision of President Trump's March voting executive order that sought to add a requirement to show a passport or similar document proving citizenship when registering to vote with the federal voter registration form that would disproportionately impact voters of color. The decision grants summary judgment to the plaintiffs, finding

that the President lacks the authority to unilaterally alter election procedures — powers that rest with Congress and the states. The ruling makes permanent the preliminary injunction issued in the case in April, and reaffirms a foundational principle of American democracy: no president can violate the separation of powers to change our elections and erect barriers that disenfranchise eligible voters. In a joint statement, plaintiffs and counsel, who are a coalition of voting and civil rights organizations, said: “The court’s ruling confirms what we have long argued: the President may not rewrite election law to impose a burdensome show-your-papers rule that would shut out countless Americans from the ballot box. This executive order was an attempted overreach of power, bypassing the Constitution’s clear allocation of authority to Congress and the states to set election rules. Our democracy is strongest when every eligible voter can register and vote free from expensive and unnecessary requirements.” The League of Women Voters Education Fund, League of Women Voters of the United States, League of Women Voters of Arizona, Hispanic Federation, NAACP, OCA-Asian Pacific American Advocates, and Asian and Pacific Islander Vote are represented by the American Civil Liberties Union, ACLU of D.C., Asian Americans Advancing Justice – AAJC, Brennan Center for Justice at NYU Law, NAACP Legal Defense Fund, and LatinoJustice PRLDEF. A link to the court’s opinion is here: <https://assets.aclu.org/live/uploads/2025/10/MSJ-Opinion.pdf> A link to the court’s order is here: <https://assets.aclu.org/live/uploads/2025/10/217-Order-Granting-MSJ.pdf>

**Affiliate:** Washington, D.C.

 North Carolina

Oct 2025



Voting Rights

## North Carolina State Conference of the NAACP v. Berger

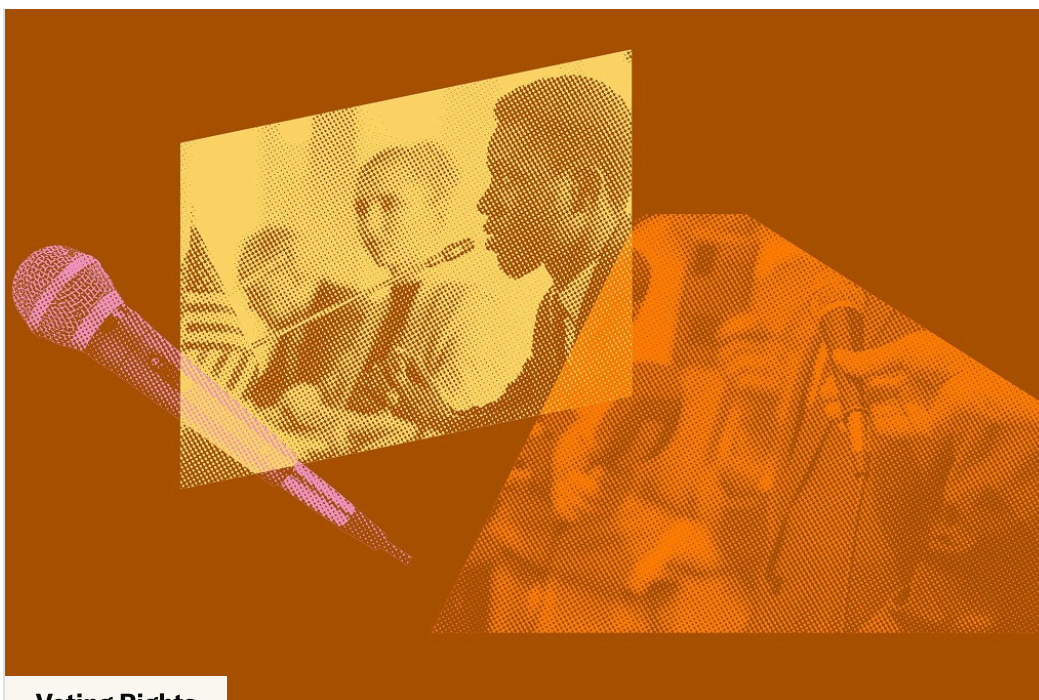
In 2023, North Carolina legislators enacted a congressional map that diluted the voice and voting power of Black North Carolinians. Plaintiffs sued to enjoin that map. After a trial on the merits, North Carolina engaged in unprecedented mid-decade redistricting to target Black voters in Congressional District 1.

**Status:** Ongoing

 Press Release

Oct 2025





## Voting Rights

# Voters, Pro-Democracy Groups Seek to Stop Retaliatory Redistricting Targeting NC Black Belt

DURHAM, N.C. — Individual voters and two pro-democracy groups are challenging the North Carolina General Assembly’s latest congressional map — the fifth in six years — as an unconstitutional, retaliatory redraw designed to punish Black voters in the state’s historic Black Belt for how they voted in 2024. Lawmakers passed the map with breathtaking speed and total disregard for public input or precedent. In less than a week, legislative leaders used Senate Bill 249 (S.B. 249) to ram through a mid-decade redistricting plan that surgically dismantles NC Congressional District 1, a previously Black opportunity district, and shifts thousands of Black voters out of their communities of representation. “North Carolina map drawers drew this map for one reason: To punish Black voters who fought back in 2024 in court and at the ballot box by rigging the game against them,” said Ari Savitzky, Senior Staff Attorney with the ACLU’s Voting Rights Project. “What North Carolina is doing here is immoral and unconstitutional.” The American Civil Liberties Union (ACLU) and the American Civil Liberties Union of North Carolina (ACLU-NC) joined as co-counsel representing plaintiffs alongside Southern Coalition for Social Justice (SCSJ) and Hogan Lovells in filing a first supplemental complaint over the new map in the U.S. District Court for the Middle

District of North Carolina. The original lawsuit was filed jointly in 2023 by individual Black voters, NAACP North Carolina State Conference, and Common Cause. Individual plaintiffs in this filing are Dawn Daly-Mack, Calvin Jones, Arthur Lee Johnson, Barbara Jean Sutton, and Courtney Patterson. The supplemental complaint states that S.B. 249 violates the First, Fourteenth, and Fifteenth Amendments and Section 2 of the Voting Rights Act by retaliating against voters for their political choices and obliterating the only congressional district in Eastern North Carolina where Black voters could consistently elect their candidate of choice. “Absent relief from this Court, the General Assembly’s actions in unilaterally initiating the redistricting process solely to punish voters will set a dangerous precedent and incentivize regularized, retaliatory redistricting following every federal election,” the complaint states. “It foreshadows a relentless game of whack-a-mole against voters, in which even a hint of dissent will cause the hammer to come down through targeted line-drawing against communities whose voters dare differ from the views of those in power.” While this redraw comes after increased pressure from the White House on state lawmakers, this targeted attack is one of several in a larger coordinated assault on the Black Belt of North Carolina. Several of the voting districts from the 2023 redrawing were challenged in a federal trial this past summer. The maps drawn directly attack the rights of Black North Carolinians. “This wasn’t redistricting. It was payback,” said Deborah Dicks Maxwell, President of the NAACP North Carolina State Conference. “Lawmakers used their power to silence Black voters who dared to speak through the ballot box. That’s retaliation, plain and simple.” “Our communities showed up in 2024. We organized, we voted, and now the legislature is trying to undo our voices on purpose,” said Patterson, an individual plaintiff whose residence was located in Congressional District 1 under the 2023 Congressional Plan and is now in 2025 Congressional District 3. “We will not be silenced.” Lawmakers didn’t hide their intentions, according to the complaint. During committee hearings, Sen. Ralph Hise stated plainly that “the motivation behind this redraw is simple and singular: Draw a new map that will bring an additional Republican seat to the North Carolina congressional delegation.” He and other leaders repeatedly cited 2024 election results to justify the changes — data that revealed overwhelming Black voter support for Rep. Don Davis and Presidential candidate Kamala Harris. In other words, the legislature used the voters’ own ballots as a blueprint for retaliation. The result is a map that drops the Black voting-age population in Congressional District 1 by nearly eight percentage points and perfectly splits Black voters between Districts 1 and 3, neutralizing their collective political voice. “Politicians in the

legislature specifically targeted Black voters in a shameful attempt to silence their voices. The legislature's discriminatory gerrymandering is a shocking violation of hard-won constitutional freedoms," said Bob Phillips, Executive Director of Common Cause North Carolina. "Our electoral districts don't belong to politicians; our districts belong to the people. We're proud to stand with these courageous voters in our fight against the legislature's retaliatory gerrymandering." "This is not redistricting as usual. It's a mid-decade, no-pretext attempt to cancel Black voters' voices because those in power didn't like the results of the last election," said Hilary Harris Klein, Senior Counsel for Voting Rights at SCSJ. "Our Constitution and the Voting Rights Act do not permit the government to redraw lines to punish people for their political speech." "Let's be clear: This new map is part of a years-long strategy to entrench partisan control at the expense of Black voters in historically influential communities, silencing them based on viewpoint," said Jaclyn Maffetore, Senior Staff Attorney at the ACLU-NC. "No one's vote should count less because of who they are or what they believe." A copy of the filing can be found here: [https://assets.aclu.org/live/uploads/2025/10/175-1\\_NAACP-Plaintiffs-Proposed-First-Supplemental-Complaint.pdf](https://assets.aclu.org/live/uploads/2025/10/175-1_NAACP-Plaintiffs-Proposed-First-Supplemental-Complaint.pdf)

**Affiliate:** North Carolina