



US CONGRESS

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Democracy & Insurrection



At-Risk Incumbents' Stands on Democracy & Insurrection

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This Constituent Research Guide shows how 46 House incumbents from crossover districts voted on major bills, amendments and resolutions concerning the American democracy and insurrection against it. The votes occurred

during the 117th Congress (2021-2022) and 118th Congress (2023-2024). Officials in both parties consider these members to be in moderate to serious danger of losing their seats in 2024 elections. Their ranks include 17 Republicans from districts carried by Democrat Joe Biden

in 2020 and five Democrats from districts won four years ago by Republican Donald Trump. Following the chart, readers will find concise summaries, including pro and con quotes, of the 10 issues that form the basis of this nonpartisan journalistic report.

NV = Did Not Vote
Dash = Not Yet in Office
Boldface = Republican incumbent in district won by Joe Biden in 2020
Italics = Democratic incumbent in district won by Donald Trump in 2020.

Issue 1 Decertifying Arizona Electoral Votes Roll Call #10 1/6/21	Issue 2 Decertifying Pennsylvania Electoral Votes Roll Call #11 1/7/21	Issue 3 Impeaching Trump for Insurrection Roll Call #17 1/13/21 H Res 24	Issue 4 Establishing January Six Commission Roll Call #154 1/6/21 HR 3223	Issue 5 Establishing January Six Committee Roll Call #197 6/30/21 H Res 503	Issue 6 Protecting Voting Rights & Election Integrity Roll Call #9 1/13/22 HR 5746	Issue 7 Presidential Election Reform Act Roll Call #449 9/21/22 HR 8873	Issue 8 GOP Barrier to Puerto Rico Statehood Roll Call #528 12/15/22 HR 8393	Issue 9 Granting Statehood to Puerto Rico Roll Call #529 12/15/22 HR 8393	Issue 10 Curbing DC Residents' Voting Rights Roll Call #118 2/9/23 HJ Res 24
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<i>Mary Peltola</i>	D	1	AK	-	-	-	-	-	-	Yes	No	Yes	No
Dave Schweikert	R	1	AZ	No	Yes	No	No	No	No	No	Yes	No	Yes
Juan Ciscomani	R	6	AZ	-	-	-	-	-	-	-	-	-	Yes
Raul Grijalva	D	7	AZ	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Debbie Lesko	R	8	AZ	Yes	Yes	No	No	No	No	No	Yes	No	Yes
Paul Gosar	R	9	AZ	Yes	Yes	No	No	No	No	No	Yes	No	Yes
Kevin Kiley	R	3	CA	-	-	-	-	-	-	-	-	-	Yes
John Duarte	R	13	CA	-	-	-	-	-	-	-	-	-	Yes
David Valadao	R	22	CA	Yes	Yes	Yes	Yes	No	No	No	Yes	No	Yes
Mike Garcia	R	27	CA	Yes	Yes	No	No	No	No	No	Yes	No	Yes
Young Kim	R	40	CA	NV	No	No	No	No	No	No	Yes	No	Yes
Ken Calvert	R	41	CA	Yes	Yes	No	No	No	No	No	Yes	No	Yes
Michelle Steel	R	45	CA	NV	NV	No	No	No	No	No	Yes	No	Yes
Lauren Boebert	R	3	CO	Yes	Yes	No	No	No	No	No	Yes	No	Yes
Yadira Caraveo	D	8	CO	-	-	-	-	-	-	-	-	-	Yes
Jahana Hayes	D	5	CT	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Anna Paulina Luna	R	13	FL	-	-	-	-	-	-	-	-	-	Yes
Maria Salazar	R	27	FL	Yes	Yes	No	Yes	No	No	No	Yes	Yes	Yes
Mariannette Miller-Meeks	R	1	IA	No	No	No	Yes	No	No	No	Yes	No	Yes

Italics = Democratic incumbent in district won by Donald Trump in 2020.

Issue 10
Curbing
DC Residents'
Voting Rights
Roll Call #118
2/9/23
HJ Res 24

[illegible]

Issue 1 Decertifying Arizona Electoral Votes

Voting 121 for and 303 against, the House on Jan. 6, 2021, turned back a Republican effort to deny certification of Arizona's 11 electoral votes won by Joe Biden in the November 2020 election. About 59 percent of Republicans voted in support of decertification and all Democrats who voted were opposed to it. Sponsored by Arizona GOP Rep. Paul Gosar and Texas GOP Sen. Ted Cruz, the bid for decertification was part of an effort by congressional allies of President Trump to nullify Biden's victory based on false claims of irregularities that more than 60 state and federal courts had rejected.

Floor Debate, Pro & Con:

Supporter Andy Biggs, R-Ariz., said: "I object to counting the votes of Arizona electors because the federal courts went around the legislatively constructed mechanism for choosing Arizona's presidential electors, allowing tens of thousands of voters to unlawfully cast votes. The court usurped a key component of the Arizona legislature's manner of selecting presidential electors, thus violating Article II, Section 1 [of the Constitution]. The legislature is being obstructed in its efforts. And what little evidence we have...indicates a significant problem with the integrity of the presidential election."

Opponent Zoe Lofgren, D-Calif., said: "The people spoke. It was not a close election. The margin of victory for Biden in 2020 was larger than Trump's margin in 2016. In fact, the Biden victory is one of the most decisive in modern times, exceeding the margin enjoyed by Reagan when he defeated Carter in 1980....I understand the disappointment people feel when their candidate for president loses....When that happens, it is not an invitation to upend the Constitution and the laws of the United States. It is an invitation to work with the new president for the good of the country and to wait for the next election in four years if you are dissatisfied."

A yes vote was to decertify Arizona's electoral votes.

Issue 2 Decertifying Pennsylvania Electoral Votes

Voting 138 for and 282 against, the House on Jan. 7, 2021, defeated a Republican effort to deny certification of Pennsylvania's 20 electoral votes won by Joe Biden in the November 2020 election. About 68 percent of Republicans who voted backed the move and all Democrats who voted were opposed to it. Lodged by Rep. Scott Perry, R-Pa., and Sen. Josh Hawley, R-Mo., the objection furthered a strategy by congressional allies of President Trump to nullify Biden's victory based on false claims of irregularities that more than 60 state and federal courts had rejected.

Floor Debate, Pro & Con:

Minority Whip Steve Scalise, R-La., said several states "did not follow the constitutional requirement for selecting

electors....Nowhere in Article 2, Section 1 does it give the secretary of state of a state that ability. Nowhere does it give the governor that ability. It exclusively gives that ability to the legislatures....We've seen over and over again states where the `Democrat Party' has...selectively gone around this process....So President Trump has stood up to it....Over 100 of my colleagues asked the Supreme Court to address this problem just a few weeks ago, and unfortunately, the court chose to punt....We don't have that luxury today. We have...to restore integrity to the election process which has been lost by so many millions of Americans."

Opponent Conor Lamb, D-Pa., said: "These objections don't deserve an ounce of respect....A woman died out there [in the

Capitol] tonight and you're making these objections. Let's be clear about what happened in this chamber today. Invaders came in for the first time since the War of 1812. They desecrated these halls and this chamber and practically every inch of ground where we work....Enough has been done here today already to try to strip this Congress of its dignity, and these objectors don't need to do any more. We know that that attack today didn't materialize out of nowhere. It was inspired by lies, the same lies that you're hearing in this room tonight, and the members who are repeating those lies should be ashamed of themselves and their constituents should be ashamed of them."

A yes vote was to decertify Pennsylvania's electoral votes.

Issue 3 Impeaching Donald Trump for Inciting Insurrection

Voting 232 for and 197 against, the House on Jan. 13, 2021, adopted an article of impeachment (H Res 24) charging Donald Trump with “incitement of insurrection” for prompting the January 6 assault on the Capitol by a mob of his supporters attempting to block the transfer of power to President-elect Joe Biden. A Senate trial on the article was conducted days after Biden assumed office on January 20. The article included wording from Section 3 of the post-Civil War 14th Amendment barring from future government office any federal or state official who had “engaged in insurrection or rebellion”

against the United States or given “aid or comfort to the enemies....” All 222 Democrats supported the article, while 197 of the 207 Republicans who voted were opposed to it.

Floor Debate, Pro & Con:

Supporter Dan Newhouse, R-Wash., said: “There is no excuse for President Trump’s actions. The president took an oath to defend the Constitution against all enemies, foreign and domestic. Last week, there was a domestic threat at the door of the Capitol, and he did nothing to stop it.”

Opponent Dan Bishop, R-N.C., said the article dismisses the president’s right to free speech. “Congress can disapprove, revile, condemn, even censure, but you cannot, consistent with the rule of law, punish that which the Constitution’s First Amendment declares protected. If you do it, the violators of duty to this Constitution...will be those who vote for this article of impeachment.”

A yes vote was to send the article of impeachment to the Senate, which voted for acquittal.

Issue 4 Establishing Outside Commission to Probe January 6

Voting 252 for and 175 against, the House on May 19, 2021, passed a bill (HR 3233) that would establish an independent commission to investigate the attack on the U.S. Capitol on Jan. 6, 2021, aimed at preventing a peaceful transition of power to President-elect Joe Biden. Modeled after the civilian commission that investigated the attacks of Sept. 11, 2001, the panel was to include 10 experts from outside the government appointed in equal numbers by the Democratic and Republican leaders in Congress.

Floor Debate, Pro & Con:

Supporter Bennie Thompson, D-Miss., said: “Given how politically charged the events of January 6 have become, we need to come together in a patriotic, bipartisan way and approve this independent body just as we created the 9/11 Commission. The 9/11 Commission acted not out of partisanship, but out of patriotism. We need that same sense of duty today.”

Opponent Marjorie Taylor Greene, R-Ga., said: “There has not been an investigation to stop the BLM and antifa riots that

have...done so much damage to people all over the country.... What is going to happen with the January 6 commission is the media is going to use this to smear Trump supporters and President Trump for the next few years and cover up the real damage that is happening to the people of this country, which is tearing down our economy, ripping our border.”

A yes vote was to pass the bill, which was later shelved in the Senate by a GOP filibuster.

Issue 5 Establishing Select Committee to Probe January 6

Voting 222 for and 190 against, the House on June 30, 2021, established a select bipartisan committee to investigate the Jan. 6, 2021, attack on the U.S. Capitol by supporters of former President Trump. The measure (H Res 503) was supported by all members of the Democratic caucus and opposed by all Republicans who voted except Liz Cheney of Wyoming and Adam Kinzinger of Illinois. Armed with subpoena power, the panel went on to conduct televised hearings and closed-door sessions during a tenure that ended in January 2023. The committee was formed after Republicans in both chambers rejected a Democratic proposal to establish an independent bipartisan commission modeled after the one that investigated the attacks of Sept. 11, 2001.

Floor Debate, Pro & Con:

Supporter Hakeem Jeffries, D-N.Y., said: “The radical right consistently claims to be the party of law and order, but they refuse to sign off on an investigation into the January 6 violent attack on the Capitol, which embodied lawlessness and disorder. They have chosen party over patriotism. They have chosen autocracy over democracy. They have chosen the big lie over the rule of law. They have chosen conspiracy theories over the Constitution. And, yes, they have chosen the most corrupt president in American history over the peaceful transfer of power.”

Opponent Michael Burgess, R-Texas, said: “Whether or not you blame President Trump for the events of January 6, the fact remains that the incident was a massive security failure. Why were our [U.S.] Capitol police officers, who sacrifice every day to protect us, caught so unprepared? Why did the National Guard take so long to mobilize when the threat was clear?” He added, “I am disappointed that the Democrats remain fixated on laying blame rather than investigating how we can better prepare our Capitol Police and our other federal response forces to face future threats.”

A yes vote was to establish the select committee.

Issue 6 Protecting Voting Rights & Election Integrity

On a party line vote of 220 for and 203 against, the House on Jan. 13, 2022, passed a bill (HR 5746) that would strengthen federal laws against voting discrimination and suppression, unmask the identity of ‘dark money’ donors to political campaigns and prohibit ongoing efforts by at least 19 Republican-controlled state legislatures to restrict the opportunity to vote. The bill combined two measures — the John Lewis Voting Rights Advancement Act and the Freedom to Vote Act — into a single bill later shelved by a GOP filibuster in the Senate.

Congress has authority to regulate elections at all levels under the 15th Amendment to the Constitution, which says the right to vote “shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude,” and which empowers Congress “to enforce this article by appropriate legislation.”

Congressional authority to regulate congressional elections stems also from Article 1, Section 4 of the Constitution, which states that the “Times, Places and Manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by Law make or alter such regulations....”

The bill would:

- Restore a requirement of the 1965 Voting Rights Act that jurisdictions with a history of voter discrimination receive prior federal approval of proposed changes to election rules.
- Set national standards to prohibit states from depriving citizens of the right to vote or injecting partisanship into the way votes are counted and elections administered.

- Establish standards for state voter ID laws and enable all qualified citizens to vote by mail and obtain no-excuse absentee ballots.
- Declare Election Day a national holiday, and require states to allow at least 15 consecutive days of early voting with polls open at least 10 hours per day.
- Expand voter-registration opportunities to include online and same-day registration as well as automatic registration while obtaining a driver’s license.
- Require voting machines to be backed up with paper ballots that can be audited.
- Prohibit the removal of state and local election officials without show of cause.
- Crack down on “dark money” by requiring entities spending at least \$10,000 on campaigns to publicly disclose their major donors. Also, campaign ads would have to identify those paying for them.
- Outlaw gerrymandering, the drawing of legislative districts based on partisan factors.
- Impose a surcharge on penalties paid by corporate and high-income tax cheats, using the projected \$2 billion in revenue over 10 years to partially finance House general and primary election campaigns. Incumbents and challengers who agreed to limits on individual contributions would receive \$6 in public funds for each \$1 raised.
- Ensure the right to vote by Native Americans and prohibit spending by foreign nationals on U.S. elections and ballot initiatives.
- Qualify felons who have served their time to vote in federal elections.

- Require presidential and vice-presidential candidates to disclose personal and corporate tax returns.
- Provide funding to modernize local voting equipment and harden systems against cyberattacks.
- And prohibit influence peddling by inaugural committees.

Floor Debate, Pro & Con:

Supporter Hakeem Jeffries, D-N.Y., called the bill necessary “because the radical right has decided that the only way they can consistently win elections is to engage in massive voter suppression. The right to vote is sacred....and central to the integrity of our democracy. There are people who died, lost their lives and shed blood to make sure that Black people and everyone in America could vote. We are not going backward.”

Opponent Claudia Tenney, R-N.Y., said: “By the way, Article I, Section 4 of the U.S. Constitution clearly states and protects the rights of our states to determine voting laws and practices. However, the legislation before us today would force upon the nation a laundry list of damaging federal policies, creating chaos and insecurity in our elections, making it easier to cheat and overriding basic election-integrity measures.”

A yes vote was to send the bill to the Senate, where it was shelved by a Republican filibuster.

Issue 7 Amending Electoral Count Act of 1887

Voting 229 for and 203 against, the House on Sept. 21, 2022, passed a bill (HR 8873) that would amend the Electoral Count Act of 1887 to ensure that a presidential candidate receiving a majority of Electoral College votes becomes president. Named the Presidential Election Reform Act, the measure would protect Congress's counting of electoral votes against efforts such as those mounted by former President Trump on Jan. 6, 2021, to subvert the certification of Joe Biden as president. Biden received seven million more popular votes than Trump in the 2020 election, a margin of seven percentage points, and received 306 Electoral College votes to Trump's 232. The bill would:

- Clarify that the vice president has only a ceremonial role in receiving electoral results from the states and that he or she lacks authority to count, alter or reject state-submitted electoral votes or to delay the joint session of Congress at which electoral votes are certified.
- Stipulate that the role of Congress is simply to count and certify the electoral votes it receives from the states.
- Raise the threshold in Congress for objecting to certification of a state's electors. Under the 1887 law, Objections by one House member and one senator could trigger a roll-call vote on whether to certify a state's electors. Under this bill, support from one-third of each chamber would be required

to lodge an objection; one-third majorities in each chamber would be required to bring the objection up for debate; and majority votes in each chamber would be needed to sustain the objection and thus invalidate a state's electoral votes.

In addition, the bill would:

- Restrict the number of state or federal officials qualified to object to a state's counting or certification of its electoral votes. Objections could be lodged only by presidential and vice-presidential candidates listed on the ballot, thus prohibiting the objections by state officials that occurred in some states in 2020.
- Require challenges to be heard on an expedited timetable by a panel of three federal judges, with their ruling reviewable only by the Supreme Court. If a governor refused to certify electoral results upheld in court, another state official such as the secretary of state could perform that duty.
- Set a December 14 deadline for governors or other state officials to certify their election results (the existing deadline was six days before the meeting of electors) and require state electors to meet by December 23, or the first business day after that date to certify electors and send the result to Congress. Under existing law, electors met on the first Monday after the second Wednesday in December.

- Stipulate that states can send only one slate of electors to Congress, thus prohibiting the submission of alternate slates that occurred in 2020.

- Allow voting to be extended for up to five days beyond Election Day in extraordinary circumstances such as terrorist attacks or natural disasters, with extensions limited to polling areas directly affected by the catastrophic event.

Floor Debate, Pro & Con:

Supporter Jim McGovern, D-Mass., said: "It isn't inevitable that democracy prevails. We have to fight like hell to make sure that it does. All this is to say that the world is watching what we do here today. We have to make a choice, and if we make the wrong one, the consequences will be grave. No one is coming to save us. We have to save ourselves."

Opponent Guy Reschenthaler, R-Pa., called the bill "nothing more than an attack on President Trump and the 2020 election, an attack on a man who has not been in office for nearly two years. This is about giving Congress unprecedented authority on how to interpret state law, how to restrict state discretion and how to impose control on state election officials."

A yes vote was to send the bill to the Senate. The bill was later enacted into law.

Issue 8 Republican Barrier to Puerto Rico Statehood

Voting 209 for and 217 against, the House on Dec. 15, 2022, defeated a Republican-sponsored motion that sought to subject the results of any successful Puerto Rican statehood plebiscite to ratification by two-thirds majority votes in the U.S. House and Senate.

Floor Debate, Pro & Con:

Sponsor Tom McClintock, R-Calif., asked: "So how does it benefit America to admit a state that would be the most indebted, uneducated, poorest and least-employed state in the nation?"

Opponent Kathy Castor, D-Fla., said: "I hope we can all agree that we all value basic human rights, and that means, like every American citizen, our Puerto Rican neighbors deserve true representation, equal rights and everything that flows from that."

A yes vote was to adopt the GOP motion.

Issue 9 Granting Statehood to Puerto Rico

Voting 233 for and 191 against, the House on Dec. 15, 2022, passed a bill (HR 8393) to schedule a plebiscite on Nov. 5, 2023, in which the American territory of Puerto Rico could achieve U.S. statehood. The ballot would present three choices — statehood, independence or sovereignty in “free association” with America. Under free association, current residents but not the future-born could retain certain benefits including U.S. nationality and citizenship, and the two entities could negotiate other potential carryovers from territorial status. Under all three options, Puerto Rico would cease to be an American territory.

Situated about 1,000 miles southeast of Florida, Puerto Rico was annexed by the United States in 1898 during the Spanish-American War. Its residents serve in the U.S. military; cannot

vote in presidential elections; lack meaningful voting representation in the U.S. Congress and, in general, do not pay federal income taxes. As a state, Puerto Rico would have two senators and as many as four House members based on its population of 3.6 million. Unless Congress were to increase the number of U.S. congressional districts above the present 435, allotting districts to Puerto Rico would reduce the number of seats in certain other states.

Floor Debate, Pro & Con:

Supporter Nydia Velazquez, D-N.Y., said Congress’ “unlimited plenary powers over Puerto Rico are reminiscent of the monarchical powers enjoyed by King George III against which the founders of the American Republic so bravely fought. If Hamilton and Madison were alive today, they would be

shocked to see how the anticolonial Constitution they drafted in 1787 is currently used to legitimize colonialism in Puerto Rico....”

Opponent Guy Reschenthaler, R-Pa., said: “If Puerto Ricans vote to become a sovereign or independent nation, this legislation tells them what they have to include in their new constitution, how they have to ratify their constitution and how elections for government officers should take place. [Democrats] want to talk about colonial power. What does that sound like? Further, this bill would completely circumvent congressional authority by not allowing Congress to ratify the option that Puerto Rico ultimately chooses.”

A yes vote was to send the bill to the Senate, where it died at the close of the 117th Congress.

Issue 10 Canceling District of Columbia Law on Voting Rights

Voting 260 for and 182 against, the House on Feb. 9, 2023, adopted a resolution of disapproval (HJ Res 24) that would nullify a 2022 District of Columbia law qualifying non-citizens including undocumented aliens to vote in local elections if they had lived in D.C. for at least 30 days. Under the 1973 District of Columbia Home Rule Act, the federal territory has limited authority to conduct its own affairs and must receive congressional approval of laws passed by the city council such as this one.

Floor Debate, Pro & Con:

Supporter Nicholas Langworthy, R-N.Y., said the D.C. law violates “the core idea of what it means to be a citizen of this great country. America is not a geographic expression where the concept of citizenship and sovereignty is meaningless or relative. We are a sovereign nation and a sovereign people. It is Congress’ right and responsibility to step in and right a wrong that threatens one of the pillars of our democracy — the right of citizens to vote.”

Opponent Mary Gay Scanlon, D-Pa., said “there is nothing in the U.S. Constitution...that prohibits noncitizens from voting

in local, state or federal elections....Currently, there are at least 15 municipalities that permit noncitizens to vote in local elections. They do so in recognition of the fact that noncitizens, who are allowed to vote under such local laws, pay a variety of state, local and federal taxes, and they have an inherent interest in helping to shape policies in the communities where they live.”

A yes vote was to send the measure to the Senate, which also voted to kill the D.C. law.