



Partnering with Non-profits, Philanthropic Organizations and Government Agencies

Introduction

2021 is in the rearview mirror—gone but not forgotten. And 2022 looks to be as potentially challenging as last year both because of the impact of the pandemic but also policy and political changes at the local, state, and federal levels. Those challenges, however, offer tremendous opportunity on many fronts. While ACS has its collective eye on many matters and related opportunities that have a direct impact on our clients, there are five issues that ACS is watching particularly closely. Below are summaries of those issues to serve as a primer for you.

If you'd like to learn more about any of these issues or how your organization might best position itself to address them, give us a call or drop us an [email](#). ACS is happy to collaborate or be a thought partner.



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What Will Happen with States' Election Laws?

The right to vote is sacred in the United States and underpins our democracy. In recent years, however, we've seen efforts to undermine election outcomes at the federal and state levels.

For example, there have been efforts to make it more difficult to vote, with limits on voter registration and voter ID laws and restrictions limiting options for early voting. States' election officials are under higher scrutiny, and laws passed in 2021 and proposed legislation in several states restrict their powers, remove them from service, and criminalize the ordinary, lawful behavior of election officials and other individuals involved in elections.

In an interview with *The New Yorker*, Richard Hasen, a law professor and election law expert at the University of California, Irvine, said of the laws, "It's not just about voter suppression. What I'm really worried about is election subversion. Election officials are being put in place who will mess with the count."

According to the [Brennen Center for Justice](#), 19 states have enacted 33 laws that will make it harder for Americans to vote in 2022 and beyond. "The states that have enacted restrictive laws tend to be ones in which voting is already relatively difficult, while the states that have enacted expansive laws tend to have relatively more accessible voting processes," the Center reported.

- ▶ In Florida, part of the state's [new voting law](#) requires any third-party organization that conducts voter registration work to tell residents that the organization might not deliver their application on time for the next election. [According to a CNN interview](#), voter registration groups worry that volunteers might shy away from doing registration for fear of doing it wrong.
- ▶ In Texas, legislation passed in 2021 makes it harder for those who face language access barriers or who have disabilities to get help casting ballots. Election officials could face criminal prosecution for encouraging voters to request mail-in ballots or for regulating poll watchers' contact.



- ▶ People in Georgia can now be charged with a crime for handing out water or snacks to voters waiting in line at the polls.
- ▶ In Iowa and Kansas, new laws restrict who can return ballots on behalf of voters who need assistance, such as people with disabilities. In Kansas, individuals can be charged with a felony for returning ballots on behalf of someone else, unless they are a family member or designated caregiver.

How did we get here?

Dark money—the practice of raising funds to influence elections by nonprofits that are not required to disclose the identities of their donors—has played a role. The same *New Yorker* article identifies Milwaukee-based Lynde and Harry Bradley Foundation as funding a network of groups that have been stoking fear about election fraud.

How will these efforts impact the tone of politics and voter turnout in 2022 at the local, state, and federal level? It remains to be seen, but it's worth doing more than watching—it's vital to get involved to preserve voter rights and free elections.

[The John Lewis Voting Rights Advancement Act](#) would strengthen legal protections against discriminatory voting practices. It has passed the United States House of Representatives twice (in 2019 and again in 2021) and was [introduced in the United States Senate in October 2021 by Sen. Patrick Leahy](#), but there's been no Senate vote as of yet.

Every election matters—whether at the local, state, or federal level. Holding a local office is often a launching point for individuals to run for state and federal office. When fewer and fewer voices are part of the voting process, they aren't represented by those in power. Today's local elections will have long-lasting consequences—for issues like school funding, our nation's infrastructure, and child care, to name a few.

Bottom line: ACS will be watching these issues closely and volunteering time at local polling places. All elections matter. ACS encourages everyone to become civically engaged because it's critical to our country's survival.

Want to dig deeper? ACS recommends these podcasts and articles:

[NPR's Fresh Air: The Dark Money Effort to Win Elections at All Costs](#)

[The New Yorker:
The Big Money Behind the Big Lie](#)

How Will States Use Federal Dollars?

State and local governments have received unprecedented investments from the federal government in the past year to help their economies recover from the effects of the COVID-19 pandemic. The most talked about aid package today is the [American Rescue Plan Act \(ARPA\)](#), which provides \$350 billion to help states, counties, cities, and tribal governments cover increased expenditures, replenish lost revenue, and mitigate economic harm from the pandemic.



ACS is watching how states spend their ARPA dollars. This could be a moment where states make significant investments to move forward in a big way—or it could be a wasted opportunity.

Each state is responsible for creating plans on how they will spend the ARPA funds; funds need to be used by the end of 2026. Some states have started to allocate their funds (use [this handy map](#) to see how states use their ARPA dollars), but they have until December 31, 2024, to formulate those plans.



About half of the states can and have appropriated APRA money for infrastructure grants to ensure that broadband services reach unserved and underserved areas, [according to the Pew Charitable Trusts](#). Broadband access provides a more reliable connection to telehealth, school, work-from-home opportunities, and telephonic safety services such as fire, police, and EMS.

States also can use the money to shore up their long-term fiscal health and residents' physical health. For example, Arizona will use \$758.8 million for its unemployment insurance trust fund. California has allocated \$4.9 billion to address homelessness and housing shortages. Colorado has allocated \$550 million for mental and behavioral health programs and \$200 million for workforce development and education.

[Pew cautions states](#) to avoid creating a “fiscal cliff” by balancing using the money for ongoing costs versus one-time expenses. “The money is welcome, but states face the risk

that spending will increase to levels that will prove impossible to sustain once the federal relief expires at the end of 2024. States that plan ahead and act responsibly can avoid that risk, address the immediate challenges posed by the pandemic, and position their budgets and economies to be on stronger footing after the federal help ends.”

Bottom line: States have time to create plans to use the flexible dollars that should quickly be distributed to organizations and individuals that sorely need them. ACS will be watching to see how it unfolds.

States need to allocate their flexible ARPA funds by December 31, 2024. They can be used to:

- ▶ Respond to the COVID-19 emergency and address its economic effects, including aid to households, small businesses, nonprofits, and industries such as tourism and hospitality.
- ▶ Provide premium pay to essential employees or grants to their employers. Premium pay is up to \$13 per hour or \$25,000 per worker.
- ▶ Provide government services affected by a revenue reduction resulting from COVID-19.
- ▶ Make investments in water, sewer, and broadband infrastructure.

Issue # 3

Will Governments and Foundations Continue to Cut Red Tape?

As the effects of the COVID-19 pandemic became more and more apparent, foundations and government entities cut red tape to get relief funds into the community faster.

For example, when the Families First Coronavirus Response Act (FFCRA) passed in March 2020, states were given additional federal dollars for Medicaid. In exchange, states had to commit to not cutting people off Medicaid during the COVID-19 public health emergency. [According to Center for Law and Social Policy \(CLASP\)](#), it was the first time in the program’s history that all recipients have been able to stay enrolled for a full year and counting. As a result, Medicaid enrollment has increased. As of September 2020, a record



[77 million people](#) were insured through Medicaid, compared with 71.6 million in September 2019.

“Between February and September 2020 every state saw an increase in Medicaid enrollment. However, only 17 states are reporting an increase in applications, and it appears applications are below pre-pandemic levels. Advocates are speculating that the application data is revealing a truth we’ve always suspected—that ‘churn’ (losing benefits and re-applying) has been a large reason for applications (previously),” according to CLASP.

In the philanthropic sector, we have seen similar trends. In Greater Cleveland, [philanthropic, corporate and civic sectors](#) came together to launch a rapid response fund to support nonprofits and groups that serve the basic needs of Northeast Ohio residents in March 2020. In the first six weeks, the coalition distributed nearly \$4 million; to date, it has awarded nearly \$19 million. According to the [Council on Foundations](#), 85 percent of 250 foundation executives surveyed said they are adopting flexible grantmaking practices for existing grantees.

There are some signs that bureaucracy may return. For example, FFCRA approved temporary “emergency allotments” under SNAP to allow all recipients to receive the maximum allotment and gave the Food and Nutrition Service (FNS) authority to grant new waivers to states to respond to the pandemic, according to CLASP. “States can extend certification periods for SNAP cases by up to six months or waive interviews. A few states never took up the flexibilities at all, and others have returned to business as usual,” CLASP reported. That flexibility was rolled back in 2021, and some states have seen a decrease in SNAP enrollment during the past year, even though hunger is at high levels among Black, Indigenous, and People of Color (BIPOC) households. [Congress extended the flexibility again for 2022 through the end of the public emergency period.](#)

Bottom line: As the pandemic wears on, ACS will be watching to see if organizations and government entities continue to streamline processes and cut through the red tape or if that red tape remains a barrier to communities accessing funds.

What Will Happen with Abortion Access?

All eyes were on the United States Supreme Court in early December 2021 when it heard *Dobbs v. Jackson Women's Health Organization*—a challenge to a law enacted in Mississippi in 2018 that banned abortions after 15 weeks with narrow exceptions for medical emergencies or a severe fetal abnormality. [The state of Mississippi also asked the Court to overturn *Roe v. Wade* outright.](#) The ruling about whether the abortion ban can be enacted should be released in June 2022.



Health and
Human
Services

Since then, the United States Supreme Court also left [Texas' six-week abortion ban in effect](#), while abortion providers in Texas challenge the state law at the federal level.

These recent actions put the debate over abortion rights front and center in the public conversation.

According to the [Kaiser Family Foundation](#), there are three likely decisions of the Mississippi abortion ban case:

- ▶ The court could overturn *Roe v. Wade* and allow states to ban abortion before viability (around 24 weeks of pregnancy). Twenty-six states are likely or certain to ban abortion; [This interactive map from Guttmacher Institute](#) shows the potential effects¹.
- ▶ The court could decide that doctors and clinics no longer have the right to challenge abortion regulations on behalf of their patients, meaning many unconstitutional abortion regulations may go unchallenged in the future.
- ▶ The court could create a new legal standard for evaluating abortion regulations that doesn't require states to show that the benefits outweigh the burden to patients. In other words, some abortion-specific provider laws that would have been unconstitutional based on previous rulings will now be constitutional.

¹Guttmacher Institute, a reproductive health research group that supports abortion rights

[An analysis from Axios](#) found the average American would need to travel around 125 miles to reach the nearest abortion provider if *Roe* is overturned, compared to the current average of 25 miles; the percentage of people living more than 200 miles away from a provider would increase from 1 percent to 29 percent. At least 15 states and Washington, D.C. have enacted laws that would automatically keep abortion legal if *Roe* is overturned, according to Axios.

An [in-depth report in *The New York Times*](#) maps out who gets abortions in America and how that's changed over the years. "Today, abortions among teenagers are far less frequent, and abortion patients are most likely to already be mothers. Although there's a lot of debate over gestational cutoffs, nearly half of abortions happen in the first six weeks of pregnancy, and nearly all in the first trimester," *The Times* found.

According to *The Times*, the typical patient, in addition to having children, is:

- ▶ very early in pregnancy
- ▶ poor
- ▶ unmarried and in her late 20s
- ▶ college educated (to some degree)

The Guttmacher Institute found that 25 percent of women will have an abortion by the end of their childbearing years. It should be noted that *The Times* report did not analyze the variable of race.

Bottom line: The Supreme Court's decision in the *Dobbs* case will have far-reaching impact on women, transgender, and nonbinary people who can become pregnant across the country. ACS will be watching to see the Court's decision in June 2022.

For a perspective on the latest, check out:
Advocates fret *Roe V. Wade's* 49th anniversary could be its last.

[axios.com/roe-v-wade-abortion-supreme-court-advocates](https://www.axios.com/roe-v-wade-abortion-supreme-court-advocates)

What Will Happen with Critical Race Theory?

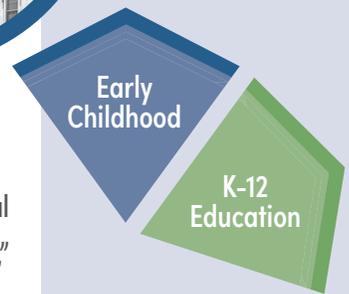
Throughout the history of the United States, there have been moments of intense debate on various issues. Throughout 2021, Critical Race Theory has become a lightning rod that has distracted from conversations about and investments in quality teaching and learning. The Brookings Institute reported that cable news reports Critical Race Theory hundreds of times per month within their coverage.



According to the [NAACP Legal Defense and Education Fund](#), Critical Race Theory, or CRT, is an academic and legal framework that denotes that systemic racism is part of American society—from education and housing to employment and healthcare. Critical Race Theory recognizes that racism is embedded in laws, policies, and institutions that uphold and reproduce racial inequalities.



“Opponents fear that CRT admonishes all white people for being oppressors while classifying all Black people as hopelessly oppressed victims. These fears have spurred school boards and state legislatures from Tennessee to Idaho to ban teachings about racism in classrooms. There is, however, a fundamental problem: these narratives about CRT are gross exaggerations of the theoretical framework,” [according to Brookings](#).



During community discussions and local school board meetings across the country, CRT has absorbed significant time and energy. It’s worth noting that content standards for history in nearly all school districts do not include or even mention CRT; the term has become a catch-all for any discussion touching on race. This, however, is only part of the problem.

Most discussions around CRT have suggested bans on certain subjects that are deemed “controversial,” but in most instances, the word controversial is not defined. This approach is not new. [According to Education Week](#), “the charge that schools are indoctrinating students in a harmful theory or political mindset is a longstanding one, historians note. CRT appears to be the latest salvo in this ongoing debate.”

Twenty-nine states have introduced bills or taken other steps that would restrict teaching Critical Race Theory or limit how teachers can discuss racism and sexism, [according to an Education Week analysis](#). Fourteen states have enacted these bans, either through legislation or other avenues, such as policies set through states boards of education.

History has proven the exchange of ideas and related discussion is the heart of learning. Restricting learning based on fear will limit students' ability to navigate life and prepare for the real world. [The Fordham Institute](#) noted that bans don't forbid teachers to talk about racism, but they could make teachers reluctant to touch important issues in history, such as slavery and Jim Crow laws: "No one wins if students don't have the opportunity to grapple with controversial topics in the classroom and to develop the critical thinking skills that are an essential outcome of a sound K-12 education."

Bottom line: ACS expects the debate about CRT to continue in 2022. ACS will be watching to see if the bans continue, or if the conversation shifts to encouraging academic freedom and critical thinking skills.

According to CRT, societal issues like Black Americans' higher mortality rate, outsized exposure to police violence, the school-to-prison pipeline, denial of affordable housing, and the rates of the death of Black women in childbirth are not unrelated anomalies.

IN CASE YOU MISSED IT

Spring 2021 Newsletter



Summer 2021 Newsletter



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