

**FACT SHEET**

# The Freedom to Vote Act

The bill would protect our elections from voter suppression, partisan sabotage, gerrymandering, and dark money.

UPDATED NOVEMBER 3, 2021

**O**n September 14, a group of key Democratic senators introduced the Freedom to Vote Act, a new comprehensive package of voting, redistricting, and campaign finance reforms. With the support of Majority Leader Chuck Schumer, the bill's sponsors include Sens. Amy Klobuchar, Tim Kaine, Angus King, Jeff Merkley, Alex Padilla, Jon Tester, Raphael Warnock, and Joe Manchin.

The Freedom to Vote Act represents a major step forward in the push to enact comprehensive legislation to strengthen American democracy, promote racial justice and equity for all Americans, and thwart the assault on voting rights taking place in the states. It would set national standards to protect the freedom to vote, counter election sabotage, end partisan redistricting, and fix our broken campaign finance system. The bill includes many of the most important provisions that were also in the For the People Act (FTPA), which passed the House as H.R. 1 in March, along with new safeguards to protect the integrity of vote counting and ensure sound election administration. Together with the John R. Lewis Voting Rights Advancement Act (which would restore and update the full protections of the landmark Voting Rights

Act of 1965), the Freedom to Vote Act would be the most comprehensive democracy reform law enacted in decades.

With congressional redistricting already underway and the 2022 midterm campaigns set to begin in earnest within months, there is no time to lose. Congress must act without delay.

## Key Provisions

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### Expanding Opportunities to Vote

Like the FTPA, the Freedom to Vote Act would create a baseline national standard for voting access, preempting many of the most onerous restrictions that have been passed or proposed recently in the states and expanding opportunities for all Americans to cast their ballots.

**Early voting:** Like the FTPA, the Freedom to Vote Act would require all 50 states to offer early voting periods for at least two weeks prior to Election Day, including on nights and weekends, for at least 10 hours per day (except for jurisdictions with fewer than 3,000 voters, which

would only be required to offer early voting during the election office's regular business hours and for at least 8 hours on one Saturday and one Sunday during the early vote period). Each state would also be required to ensure that, when possible, early voting polling places are within walking distance of public transportation, accessible to rural voters, and located on college campuses.

**Mail voting:** The bill would create a national standard permitting no-excuse vote by mail for every eligible voter. States would be required to permit voters to apply for absentee ballots online and prohibited from restricting the ability of election officials to distribute absentee ballot applications. They would also be prohibited from requiring additional identification to vote by mail beyond what is required to vote in person and from imposing other burdensome requirements, like requiring mail ballots to be notarized. Apart from returning ballots by mail, voters could also return mail ballots in person to a polling place or to a drop box. The bill also includes safeguards to ensure fair resolution of discrepancies between a voter's signature on a mail ballot and their signature on file with election authorities. Any mail ballot postmarked on Election Day that arrives within seven days would need to be counted, and ballots could not be discarded for minor errors, like failing to use an outer [security envelope](#).

**Election Day holiday:** The bill would make Election Day a legal public holiday, making it easier for voters to get to the polls.

**Protections for individuals with disabilities:** The Freedom to Vote Act would address some of the biggest challenges to voting access that Americans with disabilities face. The bill would require each state to ensure that individuals with disabilities have the same access to absentee ballots and applications as other voters, as well as make them electronically accessible to voters with disabilities, among other safeguards.

**Voter validation:** The bill would promote a national standard for states that have an identification requirement for in-person voting, allowing for the use of a wide range of forms of identification (including electronic copies) and alternative options for voter validation. States that do not impose an identification requirement would not be required to have one.

### Thwarting Voter Suppression

The Freedom to Vote Act would take direct action to respond to overt voter suppression that blocks Americans' access to the vote.

**Cracking down on deceptive and intimidating practices:** Like the FTPA, the bill would prohibit the dissemination of false and misleading information designed to

deter eligible voters from casting a ballot. It would also establish federal criminal penalties for deceiving voters and allow the attorney general to share accurate information about elections if state officials fail to do so. Finally, it would increase existing penalties for voter intimidation.

**Voting rights restoration:** The bill restores federal voting rights to formerly incarcerated citizens upon their release, establishing a bright-line standard to replace the confusing patchwork of state laws and removing the vestiges of restrictions born out of Jim Crow.

**Countering long lines and related discriminatory practices:** The bill creates protections for individuals subjected to excessive lines on Election Day — most often Black and Latino voters — by requiring states to ensure that lines last no longer than 30 minutes and restricting states from prohibiting donations of food or water to voters waiting in line.

**Private right of action:** The bill reasserts and strengthens the constitutional right to vote of every citizen of legal voting age. The bill creates a cause of action that allows voters to sue when their constitutional right to vote is infringed upon.

### Redistricting Reform

Like the FTPA, the Freedom to Vote Act provides critical safeguards to end extreme partisan gerrymandering in congressional redistricting. The 2021 redistricting cycle has already begun, but there is still time to prevent the worst extreme gerrymandering and discrimination against communities of color if these changes are enacted quickly.

**Banning partisan gerrymandering and establishing clear, neutral standards:** The bill would require strong, uniform rules for congressional redistricting, including a ban on partisan gerrymandering and strengthened protections for communities of color. These rules would be applicable to all maps created in the current cycle, including those that have already been enacted.

**Procedural safeguards:** The bill would also ensure greater transparency in the redistricting process and add enhanced judicial remedies to ensure that discriminatory or gerrymandered maps can quickly be challenged in court and fixed.

### Preventing Election Sabotage

Voter suppression and extreme gerrymandering are themselves forms of election sabotage, but the Freedom to Vote Act also includes new specific protections to counter other tactics that have arisen in recent months, from attacks on election officials to partisan election reviews.

**Restrictions on the politicized removal of election officials and related safeguards:** The bill would increase protections for local election administrators and help prevent them from being removed for partisan or political reasons. The bill allows officials administering federal elections to bring a lawsuit challenging their removal if they were replaced for reasons other than gross negligence, neglect of duty, or malfeasance in office. It also increases other federal protections against intimidation of election workers.

**Enhanced protections of ballots and records:** The bill would protect against partisan postelection attempts to tamper with results by expanding the penalties for destroying or altering ballots and other election records and expanding the categories of records that must be preserved after federal elections. These provisions are intended to protect against the postelection mishandling of ballots and other records (such as what is alleged to have taken place recently in the partisan review of [Maricopa County's election results](#)).

**Remedy for failure to certify results:** The Freedom to Vote Act's cause of action for infringement of the right to vote would allow an individual to bring a lawsuit challenging not only the violation of their right to cast a ballot but also their right to have that ballot counted and certified. This would allow voters to sue in the event of an unreasonable failure to certify election results or other efforts to set aside a valid election outcome.

### Modernizing Voter Registration

The Freedom to Vote Act would modernize our voter registration system and solve the vast majority of registration problems that routinely keep millions of Americans from voting.

**Automatic voter registration:** Like the FTPA, the Freedom to Vote Act would make automatic voter registration (AVR), which 19 states and the District of Columbia have already adopted, the national standard. Under AVR, eligible voters are automatically registered to vote when they provide information to a participating government agency, unless they opt out. The bill requires AVR to be offered at state DMVs and provides funding for that purpose and for expanding it to other agencies. It also establishes privacy and security protections, including protections for persons inadvertently registered.

**Same-day voter registration:** The bill requires states to offer same-day voter registration (SDR), which 20 states and the District of Columbia have already adopted. SDR permits eligible voters to register to vote and cast a ballot in federal elections on the same day.

**Online voter registration:** The Freedom to Vote Act requires states to allow voters to register to vote online, as 42 states and the District of Columbia already do.

**Protections against unlawful voter purges:** The bill provides safeguards to prevent unlawful purging of voter rolls, while allowing states to accurately maintain their voter registration lists. The bill prohibits states from purging voters without first verifying that the registrant is ineligible to vote using government-maintained records. It outlines certain factors that are not considered objective evidence of ineligibility, including the failure to vote in an election or the failure to respond to election mail. Further, states would be required to notify within 48 hours any individual removed from the list of eligible voters of their removal, the reasons for their removal, and how they can contest the removal.

### Campaign Finance Reform

Like the FTPA, the Freedom to Vote Act would take crucial steps toward overhauling our nation's campaign finance system.

**Small donor matching:** The Freedom to Vote Act includes a voluntary small donor matching system for elections to the House of Representatives for states that opt in. This program is modeled on successful programs that have been adopted at the state and local level and for federal presidential primaries. Under the program, small donations of up to \$200 to participating candidates would be matched at a 6-1 ratio, with candidates also able to raise unmatched funds from other donors up to a \$1,000 limit. The program would be paid for exclusively through a new state Election Assistance and Innovation Fund, which would be funded primarily through a surcharge on corporate fines and penalties and would not rely on any taxpayer funds. (States choosing not to participate in the matching system could use the funds for other election improvements.)

**Shoring up campaign transparency rules:** Like the FTPA, the bill would address the phenomenon of "dark money" from undisclosed sources in federal elections by requiring any entity that spends more than \$10,000 in an election to disclose all of its major donors. It would also extend campaign transparency requirements to internet ads, require these ads to clearly identify their sponsors, and require the major online platforms that sell them to create searchable databases of past advertisements and their buyers in order to maximize transparency and minimize disinformation.

**Fixing enforcement at the dysfunctional FEC:** The bill overhauls the Federal Election Commission's enforcement process to ensure that the commission will investigate potential violations of the law without being stymied by partisan gridlock.

**Ensuring that super PACs are truly independent:** The bill also tightens rules intended to keep super PACs and other outside groups independent of candidates.

### **Promoting Election Security**

The Freedom to Vote Act includes much-needed improvements to election security and measures to prevent subversion of the electoral process.

**Requiring postelection audits:** Like the FTPA, the bill requires states to conduct transparent postelection audits that adhere to clearly defined rules and procedures.

**Requiring paper records and other election infrastructure improvements:** The bill requires states to replace old, paperless electronic voting machines with voting systems that provide voter-verified paper records and provides grants for states to purchase more-secure voting systems.