

FACT SHEET

The Freedom to Vote Act

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

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The Freedom to Vote Act is historic 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.

In the wake of the 2020 election, an unprecedented [wave of restrictive voting laws](#) and election sabotage efforts are taking hold in the states, with more likely to come this year. We are also in the midst of another cycle of extreme partisan gerrymandering. Both these and other attacks on democracy have often primarily targeted communities of color. Congress has the legal and constitutional power to ward off these attacks by passing the Freedom to Vote Act, which would set national standards to protect the freedom to vote, counter election sabotage, end partisan redistricting, and fix our broken campaign finance system.

Together with the John 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 congress-

sional redistricting already well 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

Expanding Opportunities to Vote

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: The bill 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 imposing onerous requirements like requiring mail ballots to be notarized. Apart from returning ballots by mail, the bill would allow voters to 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 bill 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 making 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: 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 creates a cause of action that allows voters to sue when their constitutional right to vote is infringed upon.

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 tactics that arose in 2021, 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 what records 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 in the partisan review of [Maricopa County's election results](#)).

Remedy for failure to certify results: The bill'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.

Redistricting Reform

The Freedom to Vote Act provides critical safeguards to end extreme partisan gerrymandering in congressional redistricting. The new redistricting cycle has 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 will 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.

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: The bill 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, faulty, error-prone methods for purging voter rolls, while allowing states to accurately maintain their voter registration lists. 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

The Freedom to Vote Act would take crucial steps towards overhauling our nation's campaign finance system.

Shoring up campaign transparency: The bill would curb "dark money" from undisclosed sources in federal elections by requiring any entity that spends more than \$10,000 in an election to disclose all 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.

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

Fixing campaign finance enforcement: The bill ensures that the Federal Election Commission will investigate potential violations of the law without being stymied by partisan gridlock.

Small donor matching: The bill establishes a voluntary small donor matching system for elections to the House of Representatives for states that choose to opt in. The program would be paid for exclusively through a new state Election Assistance and Innovation Fund, which does not rely on taxpayer dollars. (States choosing not to opt in to the matching system could use funds for other election improvements.)

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: 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.