



# **FREEDOM TO VOTE ACT**

## **Section 1. Short title.**

- States that the title of this Act is the *Freedom to Vote Act*.

## **Section 2. Organization of Act into divisions; table of contents.**

- States that the Act is divided into: Division A – Voter Access; Division B – Election Integrity; and Division C – Civic Participation and Empowerment. Provides a table of contents.

## **Section 3. Findings of General Constitutional Authority.**

- Details Congress' explicit and broad authority granted by the Constitution to protect the right to vote, to regulate elections for federal office, and to defend the nation's democratic process.

## **Section 4. Standards for Judicial Review.**

- Outlines the process and standards for judicial review for any provision or amendment of the Act, specifying venue requirements, notice requirements, appeal requirements and rules governing intervention by Members of Congress.

## **Section 5. Severability Clause**

- Clarifies that if any provision of this Act or amendment made by this Act is held unconstitutional, the remainder of the Act shall not be affected by the holding.

## DIVISION A - VOTER ACCESS

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### **TITLE I – ELECTION MODERNIZATION AND ADMINISTRATION**

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#### *Subtitle A - Voter Registration Modernization*

##### Automatic Voter Registration [Subtitle A, Part 1]

- Ensures all voters have access to automatic voter registration through motor vehicle agencies that provide eligible Americans the option to opt out during their interaction with the agency. Requires agencies to implement the process by January 1, 2025, with an optional waiver until January 1, 2027.
- Ensures protections for people that are registered through error or accident and ensures that eligible 16 and 17 year olds can pre-register during a transaction at a motor vehicle agency and be automatically registered when they turn 18.
- Directs the National Institute of Standards and Technology to develop database management standards and security policies states can adopt.
- Authorizes \$3 billion for states to implement automatic voter registration.

##### Election Day as a Legal Public Holiday [Subtitle A, Part 2]

- Makes Election Day a public holiday starting with the November 2024 general election.

##### Promoting Internet Registration [Subtitle A, Part 3]

- Ensures each state makes available an online voter registration system which allows for correction, cancellation, and designation of party affiliation by the deadline of November 2024, with an optional waiver for implementation until January 1, 2026.

##### Same Day Voter Registration [Subtitle A, Part 4]

- Ensures all voters have access to same day registration, including during early voting, for elections starting November 2024. For federal elections occurring prior to November 2026, provides that jurisdictions are in compliance if they offer at least one same day registration location for every 15,000 voters that is reasonably located to serve voting populations equitably.
  - Ensures voters have access to same day registration at polling locations by November 2026 and provides states with an optional waiver for until November 2028.

##### Streamline Voter Registration Information, Access, and Privacy [Subtitle A, Part 5]

- Authorizes the dissemination of voter registration applications following administrative and judicial naturalization ceremonies and voter registration information with certain lease and voucher programs for federally assisted rental housing and mortgage applications.
  - Clarifies that the requirements do not limit agencies from offering additional voter registration services or change their obligations if they are designated as a voter registration agency under the National Voter Registration Act.

Funding Support to States for Compliance [Subtitle A, Part 6]

- Makes clear that payments made under the *Help America Vote Act* (HAVA) can be used to cover the cost of compliance with the requirements in this legislation.
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*Subtitle B - Access to Voting for Individuals with Disabilities*

- Improves accessibility for individuals with disabilities and older individuals by ensuring voter registration and other voter forms are accessible and available electronically, making state election websites accessible, and making polling places accessible. Also guarantees voter protections for individuals subject to guardianship.
  - Includes a pilot program to allow individuals with disabilities to use electronic means to register to vote and request and receive absentee ballots.
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*Subtitle C - Early Voting*

- Requires at least 15 consecutive days of early voting for federal elections that ends the Sunday before Election Day with Monday as an optional day for early voting. Requires that early voting locations be near public transportation to the greatest extent practicable, be available in rural areas, and open for at least ten hours per day.
  - Provides flexible standards for small jurisdictions and vote-by-mail jurisdictions.
  - Protects options for temporary, “pop-up” voting sites.
  - Exempts vote-by-mail and small jurisdictions from the requirement to offer an early voting location on college campuses.
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*Subtitle D - Voting by Mail*

- Ensures all voters can request a mail-in ballot, have access to online ballot requests, and can request the ballot up to at least seven business days before Election Day.
  - Ensures voters do not need to provide witness signatures or notarizations on ballots and prohibits identification from being required as a condition of obtaining or casting an absentee ballot, with an exception for first time voters who did not register in person.
  - Requires states to accept mail-in ballots postmarked by Election Day for at least seven days after Election Day and ensures all voters can resolve a discrepancy with their signature, provide a missing signature on a ballot, or cure any other defect, for at least three days following a state’s deadline for accepting ballots.
  - Ensures states begin processing mail-in ballots ahead of Election Day to ensure results can be quickly reported after the close of polls on Election Day.
  - Ensures all voters are able to track their ballots and makes improvements in election mail including ensuring completed ballots are carried free of postage and election mail is treated as first class mail.
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*Subtitle E - Absent Uniformed Services Voters and Overseas Voters*

- Makes improvements to voting for military and overseas voters by requiring states to send absentee ballots at least 47 days before an election and requires states to submit reports to the Attorney General on the process of mailing ballots out to military and overseas voters.
- Improves voting rights protections for families of military members.

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*Subtitle F - Enhancement of Enforcement*

- Strengthens enforcement of the *Help America Vote Act (HAVA)* by establishing a private right of action for violations that impair an individual’s ability to register to vote or vote using a system that meets the requirements of HAVA.
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*Subtitle G - Promoting Voter Access Through Election Administration Modernization Improvements*

- Ensures voters are notified when their polling place has changed and that they can cast a regular ballot if they have been affected by a polling place change close to Election Day.
  - Improves access for voters residing on Indian lands.
  - Makes improvements to voting in certain territories and clarifies that federal election administration and voter protection laws apply to the U.S. territories.
  - Ensures equitable and efficient operation of polling places, reducing long lines and wait times for voters so that voters do not have to wait more than 30 minutes to vote.
  - Ensures polling places on Election Day are accessible by public transportation and that polling places in rural areas provide the greatest opportunity for rural residents to vote on Election Day.
  - Prohibits states from restricting curbside (“drive-through”) voting.
  - Reauthorizes the Election Assistance Commission (EAC) beginning in fiscal year 2024 and makes improvements to the functioning of the agency.
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*Subtitle H - Democracy Restoration*

- Declares the right of citizens to vote in federal elections will not be denied because of a criminal conviction unless a citizen is serving a felony sentence in a correctional facility.
  - Requires states and the federal government to notify returning citizens released from prison that their right to vote is restored and that they may register to vote.
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*Subtitle I - Voter Identification and Allowable Alternatives*

- Standardizes voter identification requirements for states or local jurisdictions with existing voter identification laws. Prohibits states from imposing additional identification requirements for in-person voting.
  - Acceptable identification documents include a driver’s license or card issued by a state, the federal government, or tribal government, employee identification card, student ID, military ID, Medicare, Medicaid, or social security card, birth certificate, voter registration card, hunting or fishing license, card obtained through government assistance programs, bank or debit card, utility bill, lease or mortgage documents, health insurance card, and any other document containing the individual’s name that is issued by a government entity. Any of these documents may be presented in electronic format.
- Ensures a voter can have a person who has known them for over six months attest to their identity in order to vote on a provisional ballot if the voter is not able to meet the

voter identification requirements. Allows voters who cast provisional ballots to cure defects with their provisional ballot up to three days after a state’s deadline for receiving mail-in ballots.

- Allows states to have voters attesting to their identity vote on regular ballots.
  - Authorizes grants to states to issue free voter identification cards.
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*Subtitle J - Voter List Maintenance Procedures*

- Requires that the removal of voters from the rolls is done on the basis of reliable and objective evidence and prohibits “voter caging” or the use of returned mail sent by third parties to remove voters from registration lists.
  - Establishes a private right of action for a person aggrieved by a voter caging violation if the violation occurs 30 days prior to the date of the election, on the date of the election, or prior to the completion of the canvass.
  - A person’s failure to vote or failure to respond to an official notice from election officials is not considered reliable evidence unless an official notice was returned as undeliverable.
  - Ensures states can remove deceased persons from voter lists.
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*Subtitle K – Severability*

- Clarifies that if any provision of this Title or amendment made by this Title is held unconstitutional, the remainder of the Title shall not be affected by the holding.

**DIVISION B - ELECTION INTEGRITY**

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**TITLE II - PROHIBITING INTERFERENCE WITH VOTER REGISTRATION**

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- Outlaws hindering, interfering with, or preventing another person from registering to vote, or attempting to hinder, interfere with, or prevent another person from registering to vote.
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**TITLE III - PREVENTING ELECTION SUBVERSION**

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*Subtitle A - Restrictions on Removal of Election Administrators*

- Creates a standard for removing local election administrators limited to “inefficiency, neglect of duty, or malfeasance in office” to help prevent the partisan removal of officials and the state takeover of elections.
  - Establishes a private right of action for local election administrators to challenge their removal in violation of these requirements.
  - Requires states to report the removal of election officials to the Department of Justice in a timely manner.
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*Subtitle B - Increased Protections for Election Workers*

- Provides increased protections for election administrators, workers, and volunteers against threats, intimidation, or coercion.

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*Subtitle C - Prohibiting Deceptive Practices and Preventing Voter Intimidation*

- Prohibits providing false information about elections or public endorsements intended to impede or prevent others from voting.
- Requires the Attorney General to ensure states are taking adequate steps to correct false information about elections and to submit a public report compiling all allegations of deceptive practices.
- Expands the prohibition on voter intimidation to apply to the processing and scanning of ballots, canvassing, and certification of elections.

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*Subtitle D - Protection of Election Records and Election Infrastructure*

- Strengthens protections for federal election records and extends existing protections to include electronic records and election infrastructure.
- Requires the Department of Homeland Security, in consultation with the Election Assistance Commission and Department of Justice, to establish minimum standards and best practices for the retention and preservation of election records.
- Requires the Department of Justice, in consultation with the Cybersecurity and Infrastructure Security Agency, to promulgate rules for best practices for preservation and inspection of paper ballots.
- Establishes a right of action for federal candidates and the Attorney General to ensure compliance with election record protection.

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*Subtitle E - Judicial Protection of the Right to Vote and Non-partisan Vote Tabulation*

- Creates a heightened standard of judicial review for violations of voting rights, and allows voters to enforce that right by challenging policies that restrict ballot access.
- Provides authority to the Attorney General to bring actions for violations, in addition to voters.
- Repeals an outdated statute (28 U.S.C. 1344) that has been misinterpreted by the Fifth Circuit Court of Appeals as limiting the authority of federal courts to hear election-related cases.

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*Subtitle F - Poll Worker Recruitment and Training*

- Tasks the Election Assistance Commission with developing best practices for poll worker training, recruitment and retention and provides grants to states for recruiting and training poll workers.

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*Subtitle G - Preventing Poll Observer Interference*

- Restricts the ability of an individual to challenge another's right to vote and prevents a poll observer from coming within eight feet of a voter or ballot during voting, or a ballot during which the processing, scanning, tabulating, canvassing, or certifying of voting results is occurring.

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*Subtitle H - Preventing Restrictions on Food and Beverages*

- Prohibits states from banning providing food and nonalcoholic beverages to voters waiting at polling places so long as they are distributed without regard to the electoral participation or political preferences of the recipients.

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*Subtitle I - Establishing Duty to Report Foreign Election Interference*

- Expresses Congress' intent to curb the use of shell companies and other illicit activities that allow foreign money to enter and undermine our democracy.
- Amends the *Federal Election Campaign Act* to create a reporting requirement of disclosing certain reportable foreign contacts. Creates an obligation for each political committee to notify the Federal Bureau of Investigation and the Federal Election Commission (FEC) of the contact and provide a summary of circumstances not later than one week after a reportable foreign contact.
- Requires each political committee to establish a foreign contract reporting compliance policy requiring all officials, employees and agents of the committee to notify the treasurer or other designated official of the committee of any reportable foreign contact not later than three days following the contact.
- Clarifies that nothing in the reporting requirement shall be construed to impede legitimate journalistic activities or to impose any additional limitation on the right to express political views or engage in public discourse for any individual who resides in the United States and is not a citizen.

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*Subtitle J - Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot*

- Requires states to use voting systems that produce individual, durable, and voter-verifiable paper ballots and to give every voter the option to hand mark a paper ballot by 2024. Provides that the voter has an opportunity to correct any error on the paper ballot and requires that ballots are not preserved in any manner that makes it possible to associate a voter to the ballot.
- Allows certain existing electronic systems to remain in use until they are replaced with systems that produce individual, durable, voter-verifiable paper ballots.
- Improves accessibility for individuals with disabilities by requiring the U.S. Access Board, the Department of Justice, and the Election Assistance Commission to develop standards for the sufficient number of accessible devices needed in polling locations.
- Requires the Election Assistance Commission to make grants available for the study, testing, and development of accessible and secure remote voting systems.
- Authorizes \$3.1 billion in grants for states to make cybersecurity improvements and replace outdated voting systems over the next decade.
- Establishes standards for election infrastructure vendors based on cybersecurity and personnel security best practices issued by the Department of Homeland Security, including ensuring that vendors report cybersecurity incidents to the federal government.

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*Subtitle K - Provisional Ballots*

- Requires provisional ballots to be counted county-wide, allowing votes in eligible races to be counted regardless of whether they were cast at the correct polling location or not.

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**TITLE IV - VOTING SYSTEM SECURITY**

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- Requires all states to begin conducting post-election audits in 2026 and helps build states up to more statistically reliable audits over the next decade.

- Makes permanent the designation of election infrastructure as critical infrastructure.
- Directs the Election Assistance Commission to develop guidelines and certification procedures for electronic poll books and remote ballot marking systems.
- Requires states to submit reports on voting systems in use before federal elections.
- Requires voting machines to be assembled in the U.S. and manufactured in the U.S. to the extent practicable. Also requires software used for voting machines to be developed and stored in the U.S.

## **DIVISION C - CIVIC PARTICIPATION AND EMPOWERMENT**

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### **TITLE V - NONPARTISAN REDISTRICTING REFORM**

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- Details congressional authority to establish the criteria states must follow in carrying out congressional redistricting.
  - Requires states to abide by specific criteria for congressional redistricting -- including a requirement that no redistricting plan may favor or disfavor a political party -- and makes judicial remedies available for states' failure to comply.
  - Bans mid-decade redistricting.
  - Allow states to choose how to develop redistricting plans, including the option of having an independent redistricting commission.
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### **TITLE VI - CAMPAIGN FINANCE TRANSPARENCY**

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#### *Subtitle A - DISCLOSE Act*

- Requires super PACs, 501(c)4 groups and other organizations spending money in elections and on judicial nominations to disclose donors who contribute more than \$10,000.
  - Prohibits the use of transfers between organizations to cloak the identity of the source contributor.
  - Strengthens prohibitions against foreign nationals participating in election spending by corporations and other entities.
  - Prohibits the establishment of a corporation to conceal election contributions and donations by foreign nationals.
  - Provides that donor information also need not be reported if such disclosure would subject the donor to serious threats, harassment or reprisals.
  - Provides that a “covered organization” is a corporation (other than a section 501(c)(3) charity), a limited liability corporation, a section 501(c) non-profit organization (other than a section 501(c)(3) charity), a labor organization, a “political organization” under section 527 of the tax code, and a super PAC.
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#### *Subtitle B - Honest Ads*

- Requires that political ads sold online are covered by the same rules as ads sold on television, radio, and satellite, while exempting news organization platforms from disclaimer requirements
- Directs the Federal Election Commission to issue rule making on “reasonable efforts” by platforms to stop foreign interference and to define paid digital and paid internet ads.



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*Subtitle C - Spotlight Act*

- Requires non-profit organizations that engage in political activity - such as donating to candidates and purchasing political ads - to provide the Internal Revenue Service with the names and basic information of donors who contribute more than \$5,000.
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**TITLE VII - CAMPAIGN FINANCE OVERSIGHT**

*Subtitle A - Stopping Super PAC-Candidate Coordination*

- Strengthens the rules prohibiting coordination between candidates and outside spending groups and impose additional restrictions on super PAC contribution limits.
  - Allows party committees to use their party building fund accounts to cover technology and cybersecurity-related expenses.
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*Subtitle B - Restoring Integrity to America's Elections*

- Empowers the nonpartisan Federal Election Commission (FEC) General Counsel's office to bring enforcement actions for campaign finance violations unless the Commission overrules the General Counsel's determination.
  - Requires courts to review the FEC's dismissals of enforcement actions *de novo* and prohibits courts from considering prosecutorial discretion as a defense for the Commission's dismissal of cases involving significant alleged violations. Allows private parties to bring lawsuits to enforce campaign finance law where the Commission fails to act on a complaint.
  - Makes permanent the FEC's civil penalty authority.
  - Extends statute of limitation for violations of campaign finance laws to ten years.
  - Permits persons opposing an advisory opinion request to appear before the FEC at a hearing where the proponent of the opinion is permitted to appear.
  - Requires the FEC to establish rules limiting ex parte communications with parties appearing before the Commission.
  - Clarifies that FEC attorneys may represent the Commission in the U.S. Supreme Court.
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**TITLE VIII - CITIZEN EMPOWERMENT**

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*Subtitle A - Funding to Promote Democracy*

- Establishes a *Democracy Advancement and Innovation Program* to make payments to states to carry out democracy promotion activities, including innovation in the administration of elections, investments in election infrastructure, systems of payments to qualifying campaigns, and activities to increase voter access. To receive the payment, a state must submit a plan (developed by the chief election official in consultation with the state legislature) for approval to ensure the state will use the funds for democracy promotion.
- States may retain the payment received for subsequent years.
- Payments to states will be distributed through the Election Assistance Commission and Federal Election Commission.
- Establishes the *State Election Assistance and Innovation Trust Fund* to provide funds to states and prohibits taxpayer funds from being used for the fund.

- Requires the Director of the Office of Democracy Advancement and Innovation, which is responsible for administering the program, to undertake a rulemaking to allow funds to be provided to localities, and gives the Director authority to administer the House-only small donor program subject to override by a majority of the FEC.
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*Subtitle B - Elections for House of Representatives*

- Establishes a state-based pilot demonstration of the optional *Democracy Credit Program* for the U.S. House of Representatives, for which the FEC will select three eligible states.
  - Provides a qualified individual a \$25 credit available during the election cycle to be contributed to qualified candidates for the House of Representatives.
  - No taxpayer funds shall be used to carry out the credit pilot program.
  - Establishes a publicly financed 6-1 matching system on the first \$200 of a contribution to the campaign of a participating House candidate for states that choose to implement a system of public financing, funded through the *State Election Assistance and Innovation Trust Fund*.
  - Finances the voluntary system through the Trust Fund, which is primarily funded through a surcharge on settlements paid by corporate malfeasance. No taxpayer funds are permitted to be used in financing the system.
  - Provides that a “matchable contribution” is a “direct contribution” made to a candidate by an individual in an aggregate amount of no greater than \$1,000.
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*Subtitle C - Personal Use Services as Authorized Campaign Expenditures*

- Expands authorized campaign expenditures to allow non-incumbent candidates for federal office to spend campaign funds on child care, elder service care, and health insurance premiums.
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*Subtitle D - Empowering Small Dollar Donations*

- Incentivizes small dollar fundraising by removing restrictions on party spending from accounts funded by small dollar contributions.
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*Subtitle E - Severability*

- Clarifies that if any provision of this Title or amendment made by this Title is held unconstitutional, the remainder of the Title shall not be affected by the holding.