



Student Advocacy Day 2024

Advocacy Bill: H.R. 11 / S.1

The Freedom to Vote Act

Bill Summary

A transformative piece of legislation aimed at protecting ballot access, safeguarding the electoral process and strengthening our democracy, the *Freedom to Vote Act* was reintroduced bicamerally in July 2023, after failing to pass in 2021. Known as H.R. 11 in the House and S. 1 in the Senate, the *Freedom to Vote Act* would set national standards to protect voting rights and election integrity; put an end to partisan gerrymandering; and increase transparency in campaign financing to reduce the impact of big money in elections. This bill comes in response to increasing attempts to undermine our democracy and suppress voter turnout, and together with the John Lewis Voting Rights Act, it represents the most comprehensive pro-democracy bill in recent decades^{1,2}.

Why Do We Need the Freedom to Vote Act?

The past decade has seen a proliferation of attempts to restrict voting rights and undermine electoral integrity, which have disproportionately impacted voters of color. The following are examples of how this has taken place.

Partisan Gerrymandering

While gerrymandering is almost as old as the United States itself, redistricting of 2010 resulted in some of the most extreme partisan bias in recent history, which has had real impacts on the balance of power in congress. Since voting patterns frequently correspond with race and ethnicity, targeting the political power of communities of color is used as a tactic to create advantages for those in control of redistricting³.

Big Money in Elections

In 2010, the Supreme Court's *Citizens United* decision allowed for unlimited spending on political campaigns, while disclosure loopholes have meant that donors do not have to be disclosed to the public. This "dark money" has opened the door for corporations, special interest groups, and other wealthy donors to dramatically increase their already outsized political influence, while the lack of transparency means voters don't know who is trying to influence their vote⁴. Recently, the 2022 midterm elections saw unprecedented contributions from "dark money"

¹ Brennan Center for Justice. (2023). *What the Freedom to Vote Act Would Do*. <https://www.brennancenter.org/our-work/research-reports/freedom-vote-act>

² Diaz, J. (2021). *A Comprehensive Look at the Freedom to Vote Act*. Campaign Legal Center. <https://campaignlegal.org/update/comprehensive-look-freedom-vote-act>

³ Kirschenbaum, J., & Li, M. (2023). *Gerrymandering Explained*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/gerrymandering-explained>

⁴ Lau, T. (2019). *Citizens United Explained*.

groups⁵.

Voter Suppression

Over the past decade, many states across the country have enacted laws to make voting more difficult, which disproportionately disenfranchise communities of color. Examples have included strict voter ID laws, measures to prevent early voting, restrictions on voter registration, the strategic closing of polling places, and even the banning of donations of food or water for voters waiting in long lines^{6,7}. These efforts increased in intensity with attempts to overturn the 2020 presidential election results, which saw election denial, harassment of voters and election officials, and partisan efforts to influence election administration. While some states have passed legislation to address this, the Freedom to Vote Act would set national standards so that the right to vote is protected for all Americans.

What Does the Bill Do?

The Freedom to Vote Act would bring a number of crucial reforms to the electoral process. These are not designed to benefit one party in particular, but rather, to ensure all Americans can easily and securely cast their vote, regardless of where they live or who they support. It would do this in the following ways.

Voter Access

- **Expanding voting opportunities.** H.R. 11 would expand voting opportunities by setting national minimum standards for early voting, mail-in voting, and absentee voting. For example, it would ensure minimum access to ballot drop boxes, set a floor of days for early voting, and improve the delivery of mail-in ballots. While making voting easier, this would also shorten in-person wait times on Election Day.
- **Making Election Day a public holiday.** Making Election Day a public holiday would increase voter turnout and ensure voters' work requirements do not prevent them from participating in our democracy.
- **Making it easier to register to vote.** H.R. 11 would make voter registration easier by ensuring access to same-day registration at the polls, online voter registration systems, while also implementing automatic voter registration at the DMV.
- **Restoring voting rights for those formerly incarcerated.** It would restore the right to vote of nearly 6 million Americans who have been released from prison after serving felony convictions.

⁵ Giorno, T., & Newell, K (2022). *Outside spending on 2022 federal midterm election tops \$2 billion*. Open Secrets. <https://www.opensecrets.org/news/2022/11/outside-spending-on-2022-federal-midterm-elections-tops-2-billion/>

⁶ Navarro, M. (2023). *Freedom to Vote in Jeopardy, Especially for People of Color*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/analysis-opinion/freedom-vote-jeopardy-especially-people-color>

⁷ Johnson, T. R. (2020). *The New Voter Suppression*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/new-voter-suppression>

Election Integrity

- **Improving election security.** H.R. 11 would make it harder for valid election results to be sabotaged and would reduce the ability of foreign countries to interfere in U.S. elections, thereby also strengthening national security. By setting baseline national standards that improve post-election audits, set election cyber security standards, update election certification requirements, and strengthen protections for election records and infrastructure, the American people could have confidence in the validity of the election results.
- **Protecting election officials.** In light of increasing attacks on election officials, H.R. 11 would increase the resources and protection they receive, while making it harder for these workers to be removed from their positions without good cause. The bill would also provide grants to improve nonpartisan election official recruitment and training.

Participation and Empowerment

- **Putting an end to gerrymandering.** The bill would ban gerrymandering by prohibiting states from drawing congressional maps with unfair partisan advantages. It would provide uniform rules for the creation of congressional districts, and would ensure that congressional maps that do not follow these guidelines can be challenged quickly. This would help ensure that elected officials are a more fair representation of the American people.
- **Requiring transparency in campaign financing.** H.R. 11 would curb the use of “dark” or secret money spent by corporations, wealthy donors, and other special interest groups in federal election campaigns. It would strengthen requirements for online advertisement disclosures and disclaimers, and tighten the rules around super PACs to ensure they are independent of the candidate or the party they support.
- **Promoting a shift to publicly-funded campaigns.** Following the lead of many states, the bill would allow for a voluntary federal matching system that would match donations from small campaign donors. This would allow candidates to receive funding from American voters who support them instead of relying on deep-pocket donors^{8,9,10}.

Latest Actions

07/25/2023 Reintroduced in the Senate by Sen. Amy Klobuchar (D-MN) as S. 1.

07/18/2023 Introduced in the House by Rep. John Sarbanes (D-MD-3) as H.R. 11.

⁸ Sozan, M., & Bedekovics, G. (2023, August 16). *9 Ways the Freedom to Vote Act Would Strengthen Democracy*. Center for American Progress. <https://www.americanprogress.org/article/9-ways-the-freedom-to-vote-act-would-strengthen-democracy/>

⁹ Brennan Center for Justice. (2023, November 9). *Breaking Down the Freedom to Vote Act*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/breaking-down-freedom-vote-act>

¹⁰ Committee on House Administration (n.d). *Freedom to Vote Act: Legislative Summary*. https://democrats-cha.house.gov/sites/evo-subsites/democrats-cha.house.gov/files/evo-media-document/ftva-summary_118th-congress.pdf

- 10/20/2021** Motion by Senator Schumer to reconsider the vote by which cloture on the motion to proceed to S. 2747 was not invoked entered in the Senate.
Action by: Senate
- 10/20/2021** Cloture on the motion to proceed to the measure not invoked in the Senate by the Yea-Nay vote (49-51).
Action by: Senate
- 10/18/2021** Cloture motion on the motion to proceed to the measure presented in the Senate.
Action by: Senate
- 10/18/2021** Motion to proceed to consideration of the measure made in the Senate.
Action by: Senate
- 09/15/2021** Read the second time. Placed on the Senate Legislative Calendar under General Orders.
Action by: Senate
- 09/14/2021** Introduced in the Senate by Sen. Amy Klobuchar (D-MN) as S. 2747. Read for the first time. Placed on the Senate Legislative Calendar under *Read the First Time*.
Action by: Senate