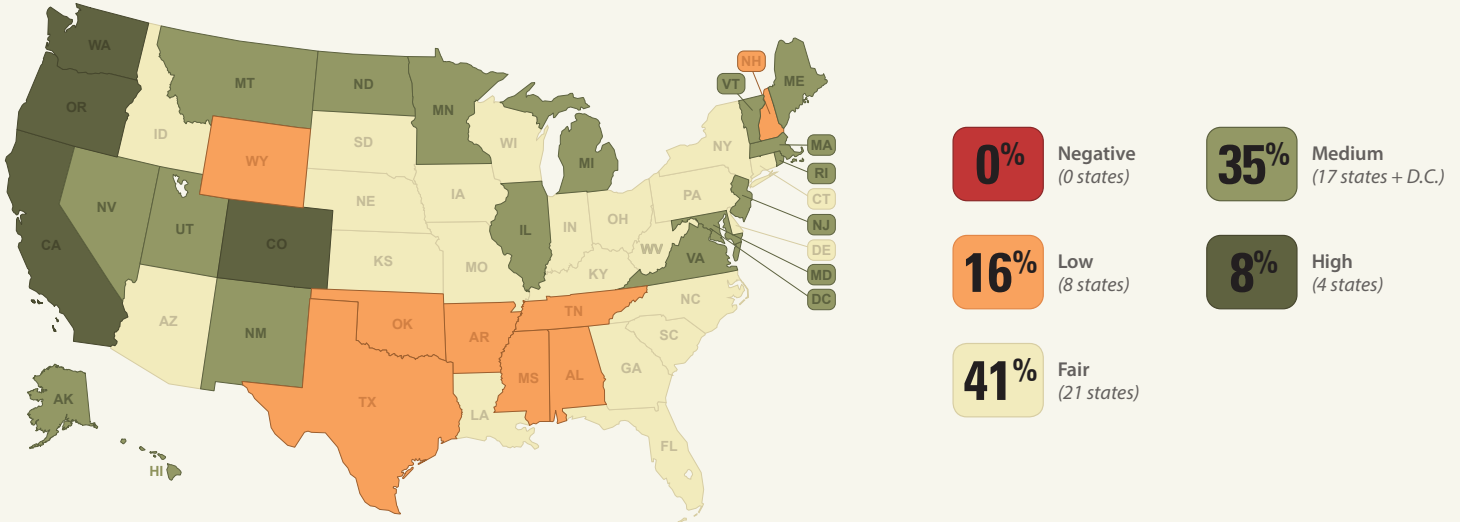


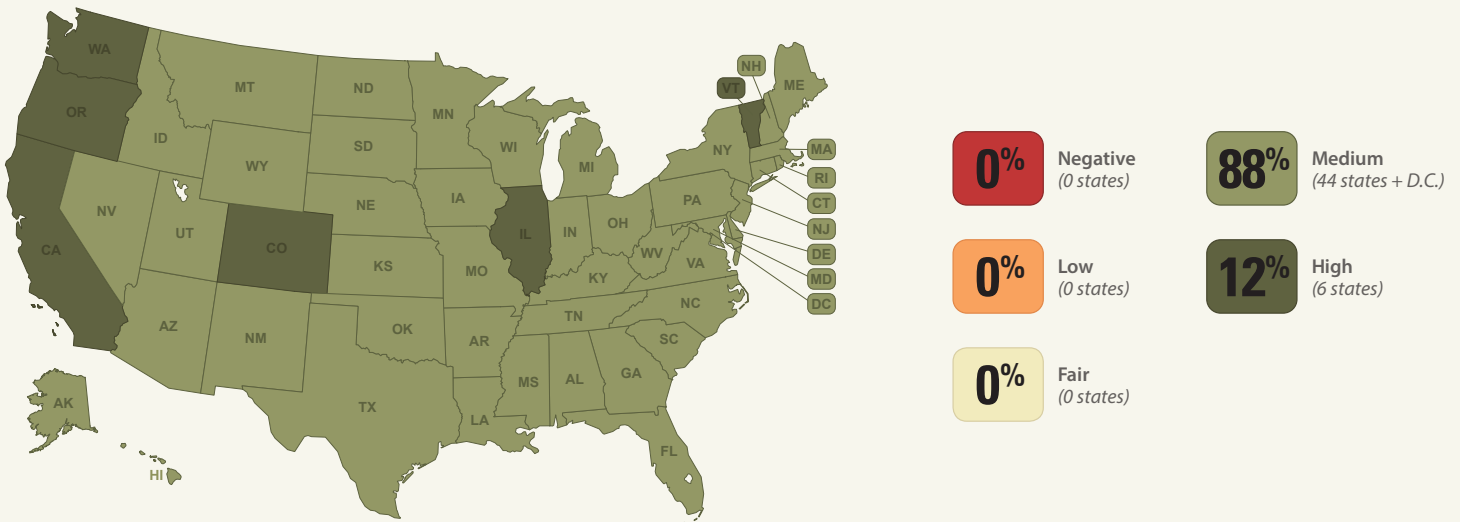
# HOW THE FREEDOM TO VOTE ACT WOULD IMPROVE DEMOCRACY IN THE STATES

January 2022

The Majority of States Have Low or Fair Democracy Tally Scores



The Freedom to Vote Act, if Passed by Congress, Would Drastically Improve State Democracy Laws



movement advancement project ▶

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### Movement Advancement Project

MAP's mission is to provide independent and rigorous research, insight, and communications that help speed equality and opportunity for all people. MAP works to ensure that all people have a fair chance to pursue health and happiness, earn a living, take care of the ones they love, be safe in their communities, and participate in civic life. For more information, visit [www.mapresearch.org](http://www.mapresearch.org).

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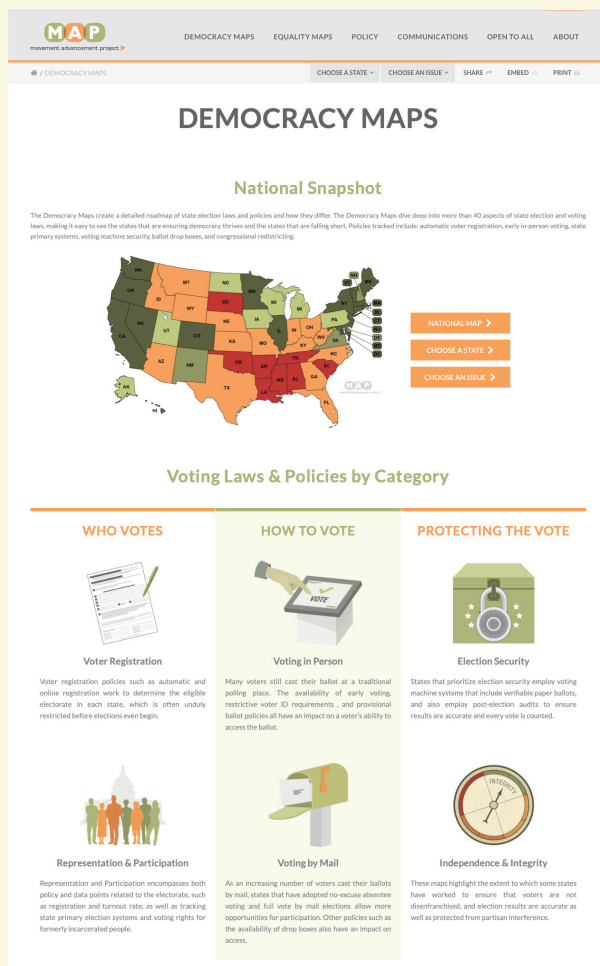
### One for Democracy

One for Democracy is a coalition of individuals, foundations, and corporations pledging 1% of their assets towards strengthening democracy. For more information, or if you'd like to become a member, please reach out to Cindy Mathew at [cindy@onefordemocracy.org](mailto:cindy@onefordemocracy.org).

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Visit the new [Democracy Maps](http://www.mapresearch.org) to learn more, check out your own state, and see issue-by-issue maps.

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## INTRODUCTION

On January 6th, 2021, the U.S. Capitol was stormed by a violent mob seeking to overturn the outcome of the 2020 presidential election by disrupting the certification of the results in Congress. This day marked a turning point in our country—but rather than addressing the threats to our democracy head on, some Republican elected officials chose to amplify them. These officials instead voted to challenge state election results, criticized and threatened to fire election officials who upheld the validity of the results, and later obstructed an independent investigation into the attack on the Capitol. These increasing threats to our democracy, coupled with a raft of new voting restrictions passed in many states, should sound an alarm bell for those who believe in free and fair elections.

Additionally, while the prevailing perception has been that voting rights in the United States are universally guaranteed, our state-by-state system of election laws means access to voting and the cornerstones of our democracy vary widely depending on where a voter lives. Uneven access to democratic participation, coupled with the increasing partisan attacks on and attempts to control our election systems, mean it is time for bold federal legislation that sets a more consistent and independent standard and process across the country. Congress is currently considering The Freedom to Vote Act; this critical and transformative legislation would maintain the independence and integrity of our

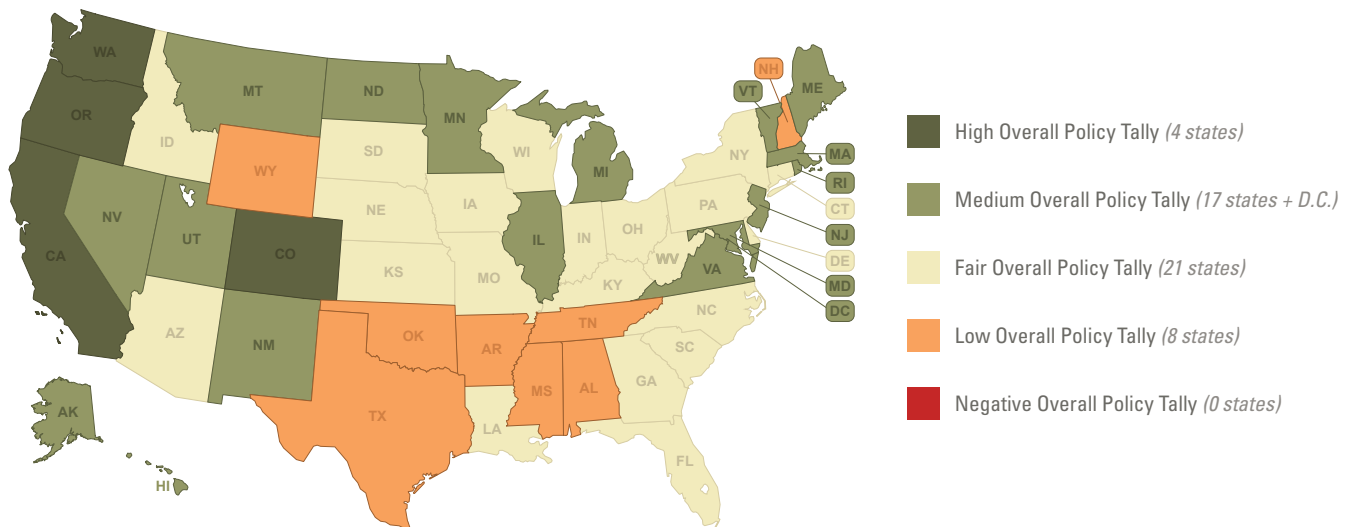
elections and set national standards that allow all citizens to have an equal voice in our government. It would also bolster the health of our democracy in every state—and blunt efforts across the country to erode access to democracy and to replace independent election officials and oversight with partisan officials. Although uniformly opposed by Republican senators, majorities of Americans, regardless of political affiliation, support this legislation. Without the Freedom to Vote Act, our country faces an accelerated decline of democracy that could well result in a constitutional crisis in 2024.

## OUR DEMOCRACY IS THREATENED AND VARIES STATE-BY-STATE

### Access to Voting Depends on Where a Voter Lives

In the United States, elections are administered by state and local governments. This means that election laws and access to democracy vary greatly depending on where a person lives. *Figure 1* shows the current variation in voting access by state based on our Democracy Tally, measured by an examination of over 40 laws and policies covering voter registration, voting in person, voting by mail, representation and participation, election security and election integrity. In Colorado, a top-ranked state, full vote by mail elections promote voter access while policies like risk-limiting post-election audits ensure the vote is protected. By

**Figure 1:** The Majority of States Have Low or Fair Democracy Tally Scores



Source: MAP's Democracy Maps, as of 1/06/22.

contrast, in one of the lowest scoring states, Texas, voters lack access to mail voting, modern policies like automatic and online voter registration have not been implemented, and many voting machines lack security and produce no paper trail. These disparities further emphasize the need for the Freedom to Vote Act.

## The Independence and Integrity of our Democracy are Under Threat

State lawmakers enacted dozens of bills in 2021 restricting the right to vote and increasing the danger of election subversion. Along with implementing various policies that roll back options for mail voting, states also passed new laws to allow partisan politicians to seize power over election administration and limit the power of independent election officials. In 2022, states are already proposing new restrictive legislation that will further limit voting options. There has also been a marked uptick in threats of violence towards nonpartisan election officials, which has caused an exodus of these independent, trusted officials and created a vacuum that is being filled by partisan officials who are valued

for their party loyalty rather than their objectivity. An increasing number of Republican candidates who have filed to run for office in 2022 are campaigning on platforms that promise to launch further investigations of the 2020 election while threatening to not certify election results in the future. This is despite the fact that every investigation into the 2020 election to date, including those led by partisan election officials, upheld the 2020 election results and disproved claims of fraud.

## FREEDOM TO VOTE ACT CREATES AN EQUAL VOICE IN GOVERNMENT AND PROTECTS OUR DEMOCRACY

### Freedom to Vote Act Establishes National Standards

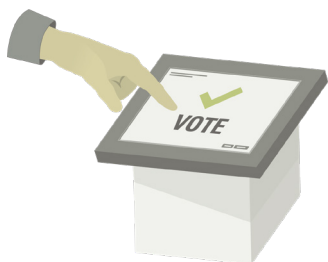
The Freedom to Vote Act creates national standards for elections that would impact every state. These standards touch on numerous areas, including how voters are registered, in-person and mail voting, campaign finance, and post-election audits.

**Table 1:** Policy Changes in Freedom to Vote Act *(continued on the following page)*



Registration

Law	Description
<b>Automatic voter registration</b>	Establishes automatic voter registration through Department of Motor Vehicles or equivalent in every state.
<b>Pre-registration</b>	Allows 16-year-olds to preregister to vote, so they are put on voting rolls as soon as they turn 18.
<b>Online registration</b>	Requires the availability of online registration, along with updating information and verifying status online.
<b>Same-day registration</b>	Requires same-day voter registration during the early voting period and on Election Day.



In-Person Voting

Law	Description
<b>Early Voting</b>	Every state would be required to offer at least 14 days of early voting, with weekends.
<b>Voter ID</b>	States that choose to enact a voter ID requirement must accept a wide range of identification documents. States must also make available free IDs that satisfy the state's law.
<b>Election Day Holiday</b>	Every state must have Election Day as a public holiday.
<b>Polling Place Wait Times</b>	Every state is tasked with making sure that no voter waits more than 30 minutes to vote.



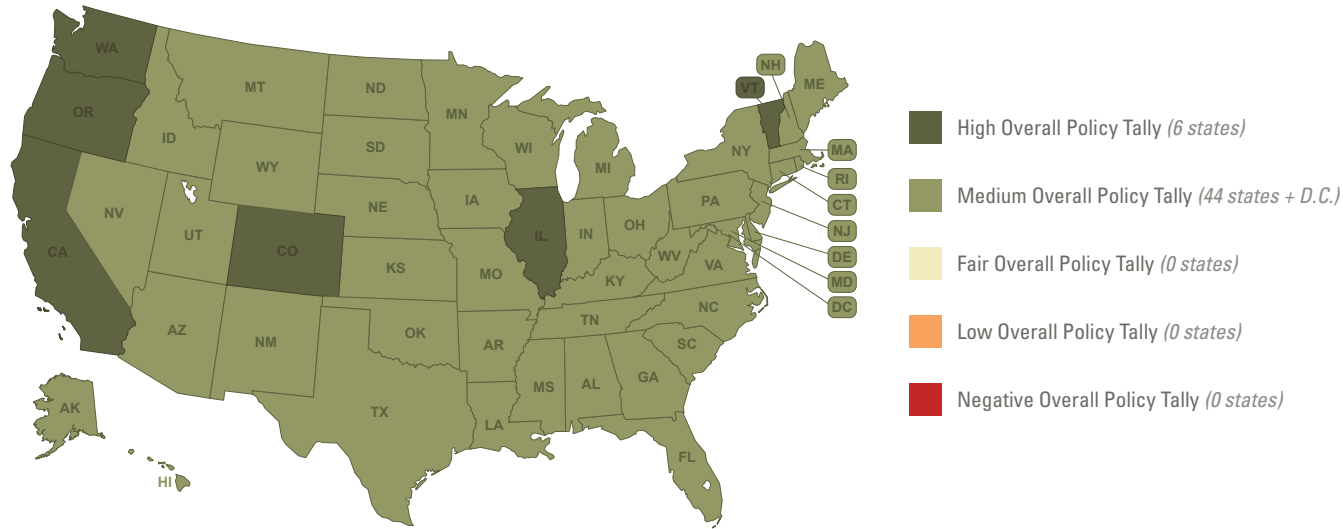
Mail Voting

**Table 1: Policy Changes in Freedom to Vote Act (continued)**

Law	Description
<b>Absentee Voting</b>	Every state would be required to offer no-excuse absentee voting, where voters can cast a mail ballot without having to provide a reason.
<b>Drop Boxes</b>	Every state would be required to offer widely available, accessible and secure ballot drop boxes for voters to return their mail ballots.
<b>Notice &amp; Cure</b>	Every state would be required to notify voters of issues with their mail ballots, such as signature defects, and provide an opportunity for voters to “cure” any defects and have their ballots counted.
<b>Online Application</b>	Every state would be required to offer an online portal where voters can request a mail ballot. States would also be required to provide the ability for voters to track their mail ballot online throughout the election process.

Other Changes
Every state would be required to restore an individual’s right to vote upon completion of a term of incarceration, without additional steps required.
Every state would be required to conduct a post-election audit using objective non-partisan procedures.
States are prohibited from unfair voter list maintenance procedures, including where unreturned mail is used as a reason to remove voters from the rolls.
States are required to implement voter intimidation protections, including increased preventions against partisan poll watchers abusing their positions.
The legislation contains a number of requirements related to redistricting, including: increased protections against partisan gerrymandering, reversing the Supreme Court decision in <i>Raucho v. Common Cause</i> , mandatory criteria for congressional districts, and new litigation requirements among many other changes.
The legislation contains a number of campaign finance changes, including: increased disclosure and transparency requirements, regulation of political ads, and strengthening FEC enforcement.

**Figure 2:** The Freedom to Vote Act, if Passed by Congress, Would Drastically Improve State Democracy Laws



Source: MAP's Democracy Maps, as of 1/06/22.

## Freedom to Vote Act Protects Our Democracy

The Freedom to Vote Act would simultaneously remedy the restrictive laws already in effect while also preventing further backsliding in the future. The Freedom to Vote Act would not only preserve voting options nationwide, it would also counter the emerging threats to democracy discussed above. The legislation would also insulate elections from partisan interference by prohibiting the termination of local election officials without cause, increasing protections for these workers and requiring states to conduct nonpartisan, legitimate post-election audits to verify results. Texas's recently passed SB1—which placed numerous restrictions on mail voting, increased the power of partisan poll watchers, and limited early voting—is an example of a state law that would be tempered if the Freedom to Vote Act were passed. In Texas and many other states, the Freedom to Vote Act would act as an impediment to election subversion, preserve voting options, and provide a strong solution to the problems that currently threaten our democracy.

## Freedom to Vote Act Would Transform Our Democracy and Improve the Landscape in Many States

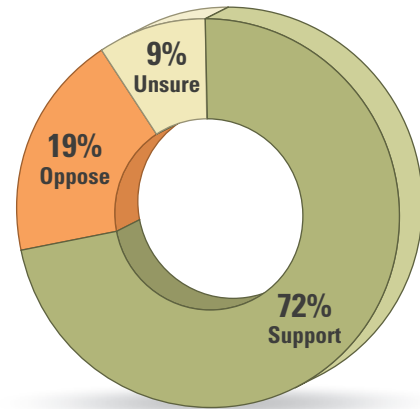
The Freedom to Vote Act would be transformational for elections across the country by establishing consistent, national standards in key areas including voter registration, voting in person and by mail, and election security and independence. The impact on individual state democracy ecosystems cannot be overstated. As shown in *Figure 2*, the legislation would transform the national landscape. The Act would bring each state to at least a “Medium” in our Democracy Tally; all states would have at least 50% of the pro-democracy policies that we track in our Democracy Maps. The lowest state in our Democracy Tally, Mississippi, would move from a state policy tally of 2.5 to 19.25. In addition, Illinois and Vermont would both be boosted from “Medium” into the “High” category in our Democracy Tally. The majority of increases across the states would result from implementing modern voter registration policies, expanding access to voting by mail and early in-person voting, and addressing policies that make it needlessly difficult to vote, such as overly restrictive voter ID laws.

## CONCLUSION

For much of its history, the United States has been a beacon of democracy around the world. This history, and the fundamental value of democracy within America, have protected our freedoms. But our democracy will not stand forever if our nation's leaders choose not to defend and uphold it. The U.S. Senate must act now to pass the Freedom to Vote Act. Time is running short. New legislative maps are already being implemented through redistricting and candidate filing deadlines are approaching. It will soon be too late to enact these changes in 2022.

Despite the partisan political obstruction of the Freedom to Vote Act, 72% of American voters, including majorities of all political parties, support the passage of the legislation. If it does not pass, we are sure to see a number of new voting restrictions put into effect in 2022. Legislation has already been pre-filed that would eliminate no-excuse absentee voting in Pennsylvania, impose strict voter ID requirements in Arizona, and initiate partisan reviews of elections in states like Florida, South Carolina, and Tennessee. And even more troubling, we may be rapidly approaching a constitutional crisis in 2024 if members of Congress refuse to certify state election results. We have reached an inflection point, and without decisive action, our democracy as we know it may be lost.

**Figure 3: National Support for Freedom to Vote Act**



Source: Poll conducted by ALG Research in September 2021.



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