

The Freedom to Vote Act (S. 2747): Selected Major Provisions

October 19, 2021

On September 14, 2021, Senator Klobuchar [introduced](#) S. 2747, the Freedom to Vote Act. Floor activity on the bill is possible during the week of [October 18](#). S. 2747 marks one of the latest legislative attempts in the 117th Congress to amend federal laws affecting elections and voting. This CRS Insight provides a brief overview of selected major provisions of the legislation. The authors are available to address questions from congressional requesters.

Election Administration

[S. 2747](#) would affect state and local administration of federal elections in several ways, often through amendments to the [Help America Vote Act \(HAVA\)](#) or the [National Voter Registration Act \(NVRA\)](#), including with provisions that would

- require and authorize a grant program for states to provide [automatic voter registration](#) at departments of motor vehicles;
- require states to offer [preregistration](#) for 16- and 17-year-olds, [online registration](#), and [same-day registration](#);
- establish a federal Election Day holiday;
- require states to take specified actions to facilitate accessibility of registration and voting for individuals with disabilities;
- require states to offer [early voting](#) and [no-excuse absentee voting](#);
- amend the [Uniformed and Overseas Citizens Absentee Voting Act \(UOCAVA\)](#) to require expedited transmission and return of ballots for military and overseas voters, require states that accept federal postcard forms for registration to accept and process single absentee-ballot applications for all elections during a single cycle, amend enforcement authority, and establish private right of action;
- provide for a federal complaint procedure and private right of action for violations of title III of HAVA (election technology and administration requirements);

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- require certain notifications about polling place changes, reasonable efforts to ensure “fair and equitable” waits of 30 minutes or less at the polls, and limited variations in polling place hours within each state;
- provide for specified accommodations for voters on Indian lands;
- prohibit states from restricting curbside voting;
- reauthorize funding for the [U.S. Election Assistance Commission \(EAC\)](#);
- prohibit denial or abridgment of voting rights on grounds of criminal conviction unless serving a felony sentence at time of election, and require notification of restoration of voting rights;
- require jurisdictions with [voter identification requirements](#) to accept specified information or documentation to satisfy ID requirements;
- prohibit using certain information as grounds to prevent registration or voting, challenge voter eligibility, or remove registered voters from the rolls; interfering with voting or registering to vote; and paying or accepting payment not to vote;
- prohibit states from suspending or removing local election officials except for gross negligence, neglect of duty, or malfeasance in office;
- prohibit harassment of election workers with intent to interfere with or retaliate for performance of official duties and intimidation for processing ballots or tabulating, canvassing, or certifying votes; and provide for privacy protections for election workers;
- prohibit certain false statements regarding time, place, or manner of federal elections, voter eligibility, or public endorsements; and increase penalties for voter intimidation;
- extend election records retention requirements to equipment and electronic records, and amend provisions related to handling of records;
- specify a right to vote in federal elections for eligible citizens, and prohibit “retrogression” impairing voting rights without “important, particularized governmental interest,” and specify rules of construction;
- authorize a grant program for recruiting and training poll workers; and
- require states to count out-of-precinct provisional ballots and set standards for issuing, handling, and counting [provisional ballots](#).

Election Security

S. 2747 provisions related to election security include provisions that would

- require voting systems to use voter-verifiable paper ballots that meet specified criteria;
- authorize a grant program for acquiring compliant voting systems, making specified other improvements to voting system security, and implementing ballot design best practices;
- prohibit use of wireless communications devices and internet connections in voting systems;
- require states and localities to conduct postelection audits that meet specified criteria;
- codify the designation of election systems as critical infrastructure;
- direct the EAC to adopt voluntary voting system guidelines for electronic poll books and remote ballot marking systems; and

- require states to seek to ensure voting machines are manufactured and assembled in the United States and voting system software or code is developed and stored in the United States.

Redistricting

S. 2747 proposes several requirements regarding states' [congressional redistricting processes](#), including provisions that would

- prohibit mid-decade redistricting;
- require states to use certain ranked criteria when creating congressional districts and prohibit consideration of other criteria, and follow other procedures in developing redistricting plans;
- establish deadlines for states to enact redistricting plans, and provide for U.S. district courts to enact plans if missed; and
- provide for civil enforcement by the U.S. Attorney General and private right of action, with notification to Congress of any legal action and expedited judicial consideration; and establish remedies for violations.

Campaign Finance

Selected [campaign finance](#) provisions of S. 2747 would amend the [Federal Election Campaign Act \(FECA\)](#) to

- require disclosures concerning the original source of funds affecting [political campaigns](#) and judicial nomination advertising, and further restrict foreign funds that could affect U.S. campaigns and elections;
- establish judicial review standards for campaign finance litigation;
- require additional disclaimers and disclosures surrounding [online political advertising](#);
- codify the definition of prohibited coordinated expenditures, and establish penalties;
- amend the Federal Election Commission (FEC) enforcement process to include expanded authority for the General Counsel, permit FEC representation before the U.S. Supreme Court, and extend FECA statute of limitations;
- provide for public financing of House campaigns; and
- amend [permissible-use provisions](#) for campaign funds.

State Democracy Promotion Program

S. 2747 proposes a new Office of State Democracy Promotion and related program and trust fund to provide funding—directly to states and through the EAC and FEC—to help states

- improve the efficiency of election administration and secure election infrastructure, such as by upgrading equipment and securing polling places;
 - conduct activities intended to ensure equitable access to democracy, including providing for public financing of and vouchers for contributions to House campaigns and implementing ranked choice voting and independent congressional redistricting commissions; and
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- promote access to voting for underserved communities, individuals with disabilities, members of racial and language minority groups, UOCAVA voters, and voters on Indian lands.

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