



The Freedom to Vote aka Freedom to Cheat Act

The Freedom to Vote Act, sponsored by Sen. Klobuchar, includes many of the worst provisions of H.R. 1 while throwing in a few attempts at “compromise.” The only thing it really compromises is election integrity. **The bill would seize the authority of states to regulate voter registration and the voting process** by requiring states to implement a very specific type of early voting, automatic voter registration, same-day registration, online voter registration, and no-fault absentee balloting. While not exhaustive, this summary outlines the major issues with the new bill.

ISSUE #1

Requires All States to Implement Online Voter Registration

Sec. 1021-1029

The Freedom to Vote Act would require all states to uniformly implement online voter registration, watering down existing protections of state voter registration systems. The legislation is an unnecessary attempt to federally regulate the process, decreasing the security and accuracy of online voter registration systems currently implemented in the majority of states. The legislation could preempt state law and force states to authorize non-verified signatures and therefore adopt a non-secure form of online voter registration that reduces the verification of voters in the registration process.

ISSUE #2

States Required to Implement Automatic Voter Registration

Sec. 1001-1007, Sec. 2001, Sec. 1028

The Freedom to Vote Act would require that all states enact an Automatic Voter Registration system. This system would require the state Department of Motor Vehicles (DMV) and other contributing agencies to transfer customer records to the state election agency in order to register individuals automatically. However, not everyone who goes to the DMV is eligible to vote. Automatic voter registration places a great deal of additional responsibility on state agencies, whose primary purpose is not voter registration, to ensure that the customers that are registered to vote are citizens and otherwise eligible to vote. The Act could also force states to accept all voter registration applications by criminalizing the refusal to accept one, even when it is rejected “under the color of law” by an election official [Sec. 2001].

Individuals who are not eligible to vote would inevitably be erroneously placed on to the voter rolls—individuals may be non-citizens, convicted of a felony, temporarily residing in the state, or not wish to register or vote in the state. This would compound the problem states already have with inaccurate and out-of-date voter rolls. Add that to the option voters have to request permanent vote-by-mail status when they register [Sec. 1028] and you have a recipe for stray ballots being delivered all over the country.

ISSUE #3

Requires States to Establish Same-Day Registration

Sec. 1031-1032

The Freedom to Vote Act requires states to implement same-day voter registration for federal elections, allowing individuals to register and vote on the same day. In this scenario, election officials often verify registrant information after the election, allowing for the possibility of ineligible individuals voting or voting more than once. Same-day voter registration inevitably leads to long lines, confused voters, and chaos at the polls.

ISSUE #4

Requires Every State to Implement No Excuse Vote by Mail

Sec. 1301-1305

The Freedom to Vote Act would force no-excuse mail voting on every state and locality in the nation so that any eligible voter could vote by mail. Although it does loosen the restrictions found in H.R. 1 on providing Social Security numbers or driver's license numbers for verification, it still prohibits the use of notarization or witness signatures as methods to verify mail ballots.

ISSUE #5

Requires States to Accept Ballots Postmarked by Election Day

Sec. 1301

The bill requires states to accept ballots that are postmarked—or *dated by the voter*—by Election Day and received up to seven days after the election. This is very similar to the law in California, which notoriously causes California elections results to be delayed by weeks. The seven-day period is a change from H.R. 1—which required a 10-day period post-election.

ISSUE #6

Makes it More Difficult for States to Maintain Voter Rolls

Sec. 1901-1911

Although slightly less restrictive than H.R. 1, the Freedom to Vote Act would undermine current list maintenance activities. These changes, if passed, would dramatically impact the ability of states to maintain the accuracy and integrity of the voter rolls.

ISSUE #7

Requires 15 Days of Early Voting in All States; Micromanages Early Voting Hours and Locations of Polling Sites

Sec. 1201

The bill establishes a new federal mandate in voting, requiring that all states offer 15 days of early voting. Not only does the proposed bill require early voting uniformly across the nation, but it also attempts to micromanage the implementation by strictly regulating the days and hours of early voting. The bill also seeks to regulate the placement of early voting sites by providing standards for the geographic location of early voting polling sites.

ISSUE #8

Allows Local Election Officials to Sue State Election Officials Who Fire Them

Sec. 3001

A new provision in the Freedom to Vote Act that was not found in H.R. 1 provides that a statewide election official may only remove a local election administrator with respect to the administration of an election for gross negligence, neglect of duty, or malfeasance in office. Local election administrators have a private right of action against the statewide election administrator who removed them.

ISSUE #9

Makes it Unlawful to “Harass” Election Officials

Sec. 3101

Voters can be fined \$100,000 and imprisoned for five years if they “intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce” an election worker. This is also a new provision. While it sounds reasonable in spirit, this could have the effect of discouraging poll watchers—some of whom were blocked from observing vote counts and other election activity in the 2020 election—from properly carrying out their duties, which would decrease transparency.

ISSUE #10

Drop Boxes are Required but No Security Mandated

Sec. 1305, Sec. 1608

The Freedom to Vote Act forces states to use ballot drop boxes for mail ballots. The bill mandates when the drop boxes must be available and how many must be in each jurisdiction. Although it doesn't prevent drop boxes from being monitored and it vaguely states that drop boxes must be “secured”, there is no requirement that they have any specific security provisions, even though some of them are required to be open at all times. The bill also prevents states from restricting curbside voting.

ISSUE #11

Restricts Ability of Poll Observers

Sec. 3601-3701

The Freedom to Vote Act prevents poll observers from coming within eight feet of voters or ballots at polling locations and vote processing centers. It also prevents challenges to voter eligibility from anyone but an election official. However, it severely limits restrictions on giving food and drink to people in line at polling places. This is a new provision.

ISSUE #12

Criminalizes “Incorrect” Statements About Elections

Sec. 3202

The Freedom to Vote Act criminalizes false statements about election endorsements, election procedures, voter eligibility requirements and consequences to voting while ineligible by adding them to the criminal code under “Deceptive Acts.” It gives citizens a private right of action to sue under this new law. This provision opens the door to government “fact checkers” being appointed to restrict free speech.