

# How the *Freedom to Vote Act* addresses America's democracy decline



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## **OVERVIEW**

- International IDEA, a Swedish think tank, recently released their 2020 Global State of Democracy report, which categorized the United States as a backsliding democracy.
- The Freedom to Vote Act addresses voting rights and other election-related metrics in the report the most directly, healing our democracy in a way that would likely improve effective parliament (legislature's checks on the executive branch) and likely social rights and equality.
- The Freedom to Vote Act comprehensively addresses four key barriers to voting rights and representation: gerrymandering, polarization, campaign finance, and voter suppression.

## **BACKGROUND**

International IDEA recently released the Global State of Democracy, a report designating the United States as a **backsliding democracy**. Researchers evaluated the United States on its performance across five indices: representative government, fundamental rights, checks on government, impartial administration, and participatory engagement.

A “backsliding” designation means that the United States showed weakening in checks on government and civil liberties (a component of the fundamental rights index). Within these categories, the decline in the effective parliament metric, which measures the legislature's capacity to enforce checks on the executive branch, is [especially notable](#); the United States government performs [below the top 25% of countries in this category](#). Only two other metrics fall into the same position: voting rights (referred to as inclusive suffrage) and social rights and inequality. The decline in the performance of even a few pillars of our democracy has the potential to decay others. Fortunately, the Freedom to Vote Act offers a path towards reversing our backslide.

## **THE SOLUTION**

The Freedom to Vote Act's overhaul most directly impacts **voting rights** and other election-related metrics in the report, like electoral participation and direct democracy. Changes in these areas will increase representation and government responsiveness, the legislature's

ability to enforce checks on the executive branch (**effective parliament**) and setting the stage for likely improvements in vulnerable **social rights and equality** and the **civil liberties** categories.

The International IDEA [regional report](#) highlights four structural concerns reducing the representativeness of our elections: *gerrymandering, increased polarization, campaign finance, and voter suppression*. **The Freedom to Vote Act addresses each of these problems in meaningful ways.**

## **FREEDOM TO VOTE ACT STRENGTHENS DEMOCRACY**

**Gerrymandering:** The Freedom to Vote Act makes partisan gerrymandering illegal at the federal level, offers more protections to minority communities, and ensures the public can weigh in when political district maps are redrawn.

- **Partisan Gerrymandering Ban:** Along with banning the partisan gerrymandering of congressional districts, the Freedom to Vote Act sets up a clear and efficient pathway to adjudicate on map fairness, ensuring that the law is properly enforced.
- **Protections for Minority Communities:** The Freedom to Vote Act expands the Voting Rights Act's pre-existing protections for minority groups. Currently, majority minority groups are guaranteed districts, conserving their interests and political power. Under the Freedom to Vote Act, minority groups in non-minority majority districts would be able to gain similar protection if they can prove that they have the cohesive, demonstrable ability to elect candidates who represent them. If unable to demonstrate sufficient voting power, the Freedom to Vote Act still ensures many of these groups still have certain baseline protections as communities of interest.
- **Public Input:** The Freedom to Vote Act guarantees that the redistricting process would be transparent and consider public input. Proposed district maps would need to be released in advance for public review, hearings would be mandated, and states would need to maintain a specific website for data and public comment.

**Polarization:** The Freedom to Vote Act opens up funding to states for programs that increase equitable access to democracy, including ranked choice voting, which may help reduce polarization.

- **Ranked Choice Voting:** The Freedom to Vote Act puts aside funding that can be used by states for ranked choice voting initiatives. Unlike pick-one systems, ranked choice voting allows voters to rank candidates in terms of preference. If no candidate gets more than half of the first choice votes, ballots that ranked the least popular candidate first are counted for their second choice instead. This process continues until one candidate wins the support of a majority. Ranked choice voting reduces the "spoiler effect," meaning voters can feel confident voting for the candidate they identify with most without fearing that their vote will pull support from someone who could beat the candidate they like least. This system gives voters more choice and encourages candidates to act more civilly

towards one another, as they are competing not only for voters' top choice spots, but also for a high placing on their rankings. Overall, ranked choice voting improves representation, which can be an important tool in fighting polarization.

- **Other Programs for Equitable Democracy:** The Freedom to Vote Act provides two examples of programs that states may implement to make democracy more equitable (ranked choice voting and independent redistricting commissions), but it leaves the ultimate definition up to their discretion. States must simply have their proposal approved by the Office of State Democracy Promotion.

**Campaign Finance:** The Freedom to Vote Act ensures proper transparency in our campaign finance system while opening up funding for small donor empowerment.

- **Dark Money:** The Freedom to Vote Act creates several new donor disclosure requirements that target dark money groups, shining a light on currently secretive spending.
- **Online Ads:** The Freedom to Vote Act subjects digital and online ads to stronger transparency and disclosure regulations. Online ads would have to identify their true funder.
- **Public Campaign Finance Options:** The Freedom to Vote Act creates funding for states that can be applied to donation vouchers for campaigns and small donor matching programs. Public campaign finance programs have been successful from West Virginia to Minnesota and shift influence away from major donors.

**Voter Suppression:** The Freedom to Vote Act sets common-sense baseline standards for elections and protects Americans' right to vote.

- **Accessible Voting Locations:** To the extent practicable, early voting locations must be accessible from public transportation, and they must be well distributed in rural communities.
- **No-Excuse Absentee Ballots:** All voters nationwide are eligible to receive an absentee ballot without needing an excuse, meaning that a voter need not even leave their home in order to vote. Voters may return the ballot via mail or dropbox if they wish.
- **Expansive Early Voting:** All early voting centers must have hours that extend beyond of the typical 9 to 5 schedule, must be open during at least two weekends, and must be open for a minimum of two weeks ahead of Election Day.
- **Drop Box Availability:** In addition to mailing completed absentee ballots back the old fashioned way, voters across the nation will be able to utilize numerous secure drop boxes to submit their ballots.
- **Same Day Registration:** States must adopt a certain level of same day voter registration by 2022, with more extensive requirements phased in over time. Same day registration allows unregistered but eligible Americans to register at the polls and vote immediately.

- **Standards for Valid Registration Challenges:** Clear standards are established for the removal of inactive or ineligible voters from rolls, which is key not only for ensuring election security but also for guaranteeing that eligible voters can cast their ballots.
- **Automatic Voter Registration:** All states must adopt an automatic voter registration process at the Department of Motor Vehicles (or equivalent agency). Anyone submitting a driver's license application or engaging in any other service or activity at the DMV would be automatically registered to vote, unless they indicate opposition to this.
- **Online Voter Registration:** All states must allow eligible citizens to register to vote online.
- **Wait Time Limits:** All states must put forward a reasonable effort to prevent wait times longer than 30 minutes at early voting locations.