

Voting Restrictions in Place for 2016 Presidential Election

In 2016, 15 states will have new voting restrictions in place for the first time in a presidential election. The new laws range from strict photo ID requirements to early voting cutbacks to registration restrictions.

Those 15 states are: Alabama, Arizona, Georgia, Indiana, Kansas, Mississippi, Nebraska, New Hampshire, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

(This number decreased from 17 to 15 when the Fourth Circuit Court of Appeals struck down a series of voting restrictions in North Carolina in late July 2016, and a federal court enjoined North Dakota's photo ID law in August 2016. Despite recent court victories mitigating the impact of restrictive laws in Texas and Wisconsin, those states are still included because the requirements are more restrictive than what was in place for the 2012 presidential election.)

This is part of a broader movement to curtail voting rights, which began after the 2010 election, when state lawmakers nationwide started introducing hundreds of harsh measures making it harder to vote.

Overall, 20 states have new restrictions in effect since the 2010 midterm election. This page details the new restrictive voting requirements put in place during that time period.

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Here are more details on those restrictive laws:

- **Alabama** – A photo ID was required to vote starting for the first time in 2014. Passed in 2011 by a Republican-controlled state legislature and signed by a GOP governor, the ID law initially required preclearance under Section 5 of the Voting Rights Act. But the measure was allowed to go into effect after the U.S. Supreme Court gutted that provision in 2013. Alabama also passed a law in 2011 requiring voters to provide documentary proof of citizenship when registering to vote. That requirement had been on hold, but on January 29, 2016, the Election Assistance Commission sent a letter to the state indicating that proof of citizenship would be added to the national voter registration form instructions.
- **Arizona** – In 2016, a Republican-controlled legislature passed a bill limiting collection of mail-in ballots and making it a felony to knowingly collect and turn in another voter's completed ballot, even with that voter's permission (the law has exceptions for direct family members, caregivers, and postal-service employees). Gov. Doug Ducey (R) signed the bill, and the law will take effect during summer 2016. See below for details on other past

restrictions in play.

- **Florida** – In 2011, Florida’s Republican-controlled legislature passed a series of laws, signed by Gov. Rick Scott (R), making it harder to vote. First, lawmakers reduced the early voting period, which contributed to long lines in the 2012 election. The legislature responded in 2013 by restoring some of the early voting days, but there are still fewer early balloting opportunities today than before the 2011 cutbacks. Second, Florida passed new restrictions on voter registration drives. With the help of the Brennan Center, the most onerous aspects of this law were [enjoined by a federal court](#) in August 2012. Finally, Gov. Scott reversed a prior executive action that had made it easier to restore voting rights to people with past criminal convictions. In effect, the state now permanently disenfranchises most citizens with past felony convictions.
- **Georgia** – In 2009, a Republican-controlled legislature passed a law requiring voters to provide documentary proof of citizenship when registering to vote. That requirement had been on hold, but on January 29, 2016, the Election Assistance Commission sent a letter to the state indicating that proof of citizenship would be added to the national voter registration form instructions. In 2011, a Republican-controlled legislature also reduced the early voting period from 45 to 21 days, and cut early voting the weekend before Election Day. Both laws were signed by a GOP governor.
- **Illinois** – In 2011, a Democratic-controlled legislature restricted voter registration drive rules by changing the allotted time for returning registration forms. The previous law allowed seven days to return the forms. The amended law requires completed registration materials to be returned by first-class mail within two business days, or by personal delivery within seven days. This rule is not nearly as hurtful as others, like one in Texas, because the reduction does not apply to groups only using the national mail-in voter registration form. The measure was signed by a Democratic governor.
- **Indiana** – In 2013, a Republican-controlled legislature passed a measure authorizing additional party-nominated election officers to demand proof of identification.¹ The law was signed by a GOP governor. It was in effect for the first time in a major election in November 2014.
- **Iowa** – In 2011, Gov. Terry Branstad (R) reversed a prior executive action that had made it easier to restore voting rights to people with past criminal convictions. In effect, the state now permanently disenfranchises most citizens with past felony convictions.
- **Kansas** – In 2011, a Republican-controlled legislature passed a photo ID requirement. Lawmakers also passed a bill mandating documentary proof of citizenship to register to vote. Both measures were signed by a GOP governor. The documentary proof of citizenship requirement has been the subject of multiple lawsuits. A 2014 federal court ruling had found the requirement unenforceable on the federal mail-in voter registration form, but in January

¹ This law subjects voters to an additional and duplicative voter identification requirement that did not exist before the law was enacted. If, however, precinct election officials always enforce the voter ID requirement in a uniform manner, this law may not have a restrictive effect.

2016, the Election Assistance Commission’s Executive Director announced that documentary proof of citizenship would be added to the national voter registration form instructions for Kansas, as well as Alabama and Georgia. That action is the subject of an ongoing lawsuit. Separately, a federal court ruled that documentary proof of citizenship could not be required for voters who register at DMV offices under the federal “motor voter” law. Meanwhile, the state is attempting to prohibit individuals who register at DMV offices and do not provide documentary proof of citizenship from voting in state and local elections. In July 2016, a state court temporarily blocked this “dual registration” system for the August 2, 2016 primary election. The requirement remains in effect for those using the state voter registration form.

- **Mississippi** – A photo ID was required to vote starting for the first time in 2014. Passed in 2011 by a voter referendum, the ID law initially required preclearance under Section 5 of the Voting Rights Act. But the measure was allowed to go into effect after the U.S. Supreme Court gutted that provision in 2013.
- **Nebraska** – In 2013, state lawmakers reduced the early voting period from a minimum of 35 days to no more than 30 days. This restriction was in effect for the first time in a major election in 2014. Nebraska’s unicameral legislature is technically nonpartisan, but it is generally controlled by Republicans. The measure was signed by a GOP governor.
- **New Hampshire** – A photo ID is requested to vote. Passed in 2012, a Republican-controlled legislature overrode a veto from Gov. John Lynch (D). The state previously required no form of ID to vote. Prior to September 2015, the law included an affidavit alternative, or allowed certain election officials to vouch for the identity of voters. Starting in September 2015, these alternatives are eliminated, and the law now requires voters without acceptable ID to get photographed at the polls. The photograph will be affixed to an affidavit.
- **Ohio** – In 2014, a Republican-controlled state legislature passed a series of voting restrictions, which were signed by a GOP governor. Lawmakers changed absentee and provisional ballot rules and cut six days of early voting — eliminating “Golden Week,” during which voters could register and cast a ballot all in one trip. Secretary of State Jon Husted (R) issued a directive reducing early voting on weekday evenings and weekends as well. These cuts were in effect for the first time in 2014. In 2015, state officials and voting rights advocates settled an ongoing lawsuit over the early voting hours, which restores one day of Sunday voting and adds early voting hours on weekday evenings. The settlement is in place through 2018. In May 2016, a federal court ruled in a separate challenge that, despite the settlement, elimination of “Golden Week” violated the Constitution and the Voting Rights Act. The decision restored all the early voting days that had previously been cut. That court left the absentee and provisional ballot restrictions in place. The case is being appealed.
- **Rhode Island** – A photo ID was requested to vote starting for the first time in 2014. There is an affidavit alternative for voters without a photo ID. The bill — which passed through a Democratic-controlled legislature and was signed by an independent governor in 2011 — is significantly less restrictive than other ID laws because it accepts a broad range of IDs with a voter’s name and photograph. A previous version of the law allowed non-photo IDs.

- **South Carolina** – A photo ID was requested to vote starting for the first time in a major election in 2014. There is an affidavit alternative for voters without a photo ID. The measure passed in 2011 through a Republican-controlled legislature and was signed by a GOP governor, but it was put on hold by a federal court until after the 2012 election. During the course of that litigation, the state interpreted the law in a way that makes it much less restrictive than other ID requirements.
- **South Dakota** – In 2012, a Republican-controlled legislature passed a law making it harder to restore voting rights to people with past criminal convictions. It was signed by a GOP governor.
- **Tennessee** – A Republican-controlled legislature passed a law in 2011 requiring photo ID to vote. Lawmakers made it even more restrictive in 2014 by limiting acceptable IDs to those issued by the state or federal government. The new version was in effect for the first time in a major election in 2014. In 2011, lawmakers also reduced the early voting period and passed a law requiring documentary proof of citizenship to register to vote. All were signed by a GOP governor. The proof of citizenship measure applies only to individuals flagged by state officials as potential non-citizens based on a database check.
- **Texas** – In 2011, a Republican-controlled legislature passed a restriction on voter registration drives and a strict photo ID law. Both measures were signed by a GOP governor. In 2012, a federal court blocked the photo ID law under Section 5 of the Voting Rights Act. The state then implemented the requirement after the U.S. Supreme Court gutted Section 5 in 2013, and a photo ID was required to vote for the first time in a federal election in 2014. In July 2016, the full Fifth Circuit Court of Appeals ruled that the strict photo ID law discriminates against minority voters, and therefore cannot be enforced against those who lack ID. The appellate court sent the law back to the trial court to craft a remedy to ensure that voters without ID can cast a ballot in the November 2016 election.
- **Virginia** – A photo ID was required to vote starting for the first time in 2014. Lawmakers also passed a bill restricting third-party voter registration, which requires groups receiving 25 or more registration forms to register with the state and reduces the amount of time from 15 to 10 days to deliver the applications. The state Senate is evenly divided among Democrats and Republicans, but the GOP lieutenant governor cast the tie-breaking vote on the photo ID law. The state House is controlled by Republicans. Both measures were signed by a GOP governor in 2013. In 2015, a Republican-controlled legislature passed a bill to amend the photo ID law to add student IDs issued by private schools to the list of acceptable IDs (the law currently allows public school IDs). The bill was signed by a Democratic governor and takes effect in 2016. A challenge to the law failed in May 2016 but is on appeal.
- **West Virginia** – In 2011, a Democratic-controlled legislature reduced the early voting period from 17 to 10 days. The measure was signed by a Democratic governor.
- **Wisconsin** – A Republican-controlled legislature passed a series of voting restrictions in 2011 and 2014, all of which were signed by a GOP governor. In 2011, state lawmakers

passed a restriction on individual voter registration and a law requiring photo ID to vote. In 2014, the legislature also reduced early voting hours on weekdays and eliminated them entirely on weekends. These cuts were in effect for the first time in 2014. Both laws have been the subject of lawsuits. On July 19, 2016, a federal trial court granted plaintiffs' request for a preliminary injunction of the photo ID requirement, instructing that voters who lack photo ID must be able to cast a regular ballot in the November 2016 election after completing an affidavit. Wisconsin is appealing the trial court's July 19 decision to the Seventh Circuit. On July 29, 2016, another trial court blocked most of the challenged voting restrictions, ruling that the photo ID law could not be implemented without providing a safety net for those without ID and that restrictions on early voting were intentionally racially discriminatory.

Other Notable Developments:

- **Arizona** – In 2004, voters approved a referendum requiring documentary proof of citizenship to register to vote. In June 2013, the U.S. Supreme Court invalidated this measure as it applied to the federal voter registration form, but it remains in place for the state registration form. Arizona joined Kansas, which has a similar law, in a suit to force the U.S. Election Assistance Commission to change the federal form to allow the two states to require such documents. Those changes were denied after years of litigation, but Kansas's form was changed through a separate process in [January 2016](#). Arizona's remains unchanged.
- **Arkansas** – A Republican-controlled legislature passed a photo ID law in 2013, overriding a veto from Gov. Mike Beebe (D). On October 15, the Arkansas Supreme Court unanimously struck down the photo ID requirement, ruling it violated the state constitution by imposing an additional “qualification” to voting.
- **Montana** – A Republican-controlled legislature approved a referendum measure to repeal Election Day registration, which voters rejected in November 2014. Gov. Steve Bullock (D) had vetoed a previous effort to repeal Election Day registration.
- **North Carolina** – A Republican-controlled state legislature passed a series of voting restrictions in 2013, which were signed by a GOP governor. Lawmakers eliminated same-day registration, reduced the early voting period, ended pre-registration for 16- and 17-year-olds, and instituted a strict photo ID requirement, among a number of other restrictive changes. The measures were in effect for the first time in 2014 (except for the ID requirement, which was slated to go into effect in 2016). In June 2015, lawmakers softened the photo ID requirement, creating an option for voters to attest to a reasonable impediment to obtaining an ID, and vote a provisional ballot that will be counted unless there is a problem with the attestation. In July 2016, the Fourth Circuit Court of Appeals struck down the state's voting restrictions, ruling that they were passed with racially discriminatory intent. It also ruled that the “reasonable impediment” exception was not a sufficient remedy for the ID law's harm.
- **North Dakota** – In 2015, a Republican-controlled legislature passed a bill, signed by a GOP governor, making the state's voter ID law — already in effect in the 2014 election — more restrictive by providing that only four types of IDs would be accepted to vote, either in-

person or absentee: a current North Dakota driver's license or non-driver photo ID, a tribal ID, or a long-term care certificate. On August 1, 2016, a federal trial court issued a preliminary injunction, ordering North Dakota to provide a "fail-safe" option for voters without photo ID if the state intends to enforce the law. The state [indicated](#) it will not appeal the ruling, and will allow a broad range of IDs to cast a ballot in the 2016 election.