

Voting Laws Roundup 2018

Legislative sessions have either commenced or concluded in every state that is meeting this year, except North Carolina, and the most notable takeaway of this session so far is the remarkable momentum around automatic voter registration, or AVR. What follows is the Brennan Center’s analysis of state legislative activity as of April 2, 2018.¹

In March, the New Jersey Senate passed an AVR bill out of committee with a bipartisan vote. In the same month, Washington’s governor signed AVR into law and the Maryland Legislature passed an AVR bill and sent it to the state’s governor. In addition, the Massachusetts House has passed an AVR bill out of committee. The Utah Senate passed an AVR bill this year, but it died in the House.

Broadly speaking, more pro-voter reforms are moving than anti-voter restrictions. Washington state has been a significant locus of pro-voter reform this year: in addition to AVR, the Legislature [passed](#) – and the governor signed – a package of reforms, including election day registration, pre-registration for 16- and 17-year-olds, and a state-level [Voting Rights Act](#). California and Utah have also enacted laws improving voter access. In total, as of April 2 – when we at the Brennan Center completed our latest round of legislative bill tracking – at least **12 states** have advanced at least **20 bills expanding voting access** through at least **one state legislative chamber**.²

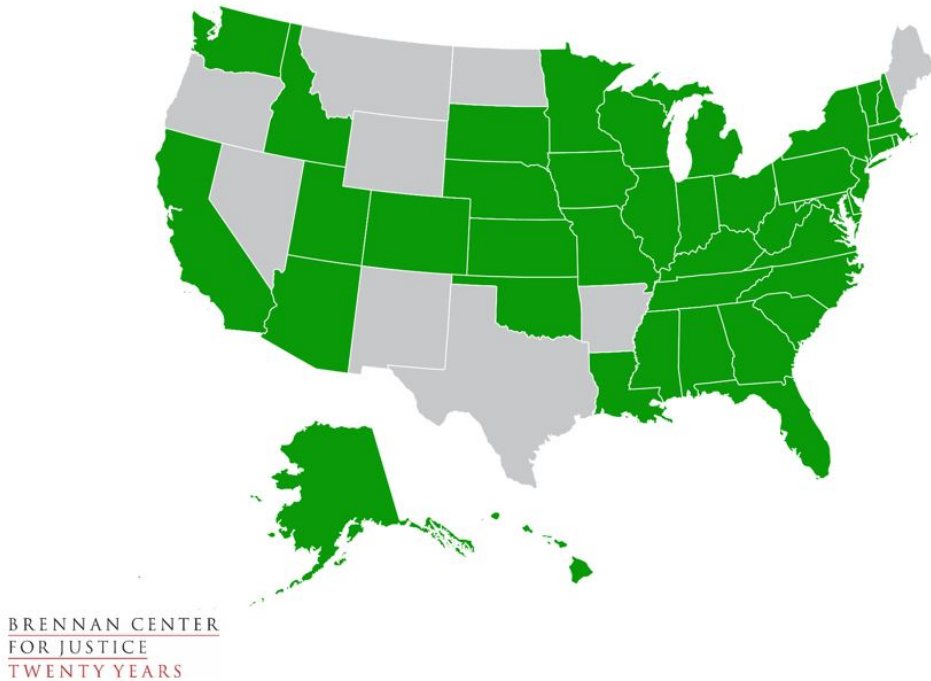
Nevertheless, efforts to restrict access to the franchise persist. At least **five states** have advanced at least **six bills restricting voting access** through at least **one chamber**.³ Notably, the New Hampshire Legislature has passed a bill targeting student voting. In addition, the Georgia Senate passed a pair of bills cutting voting hours in Atlanta, one of which also would have restricted early voting options on weekends. But those bills were rejected by the state Assembly.

Finally, states have taken only tentative steps to address significant election security issues ahead of the 2018 elections. So far this year, at least **six states** have advanced at least **eight bills** related to **election security** through at least **one chamber**.⁴ At the federal level, Congress recently [appropriated](#) \$380 million to help states upgrade their voting systems. This is a necessary, but far from sufficient, step toward securing our voting systems.

Overview of Expansive Bills

As of April 2, at least **41 states and Washington D.C.** have **introduced or carried over** at least **514 bills** expanding voting access.

Expansive Bills Introduced or Carried Over in 2018



Pro-voter reforms that have moved thus far this year include:

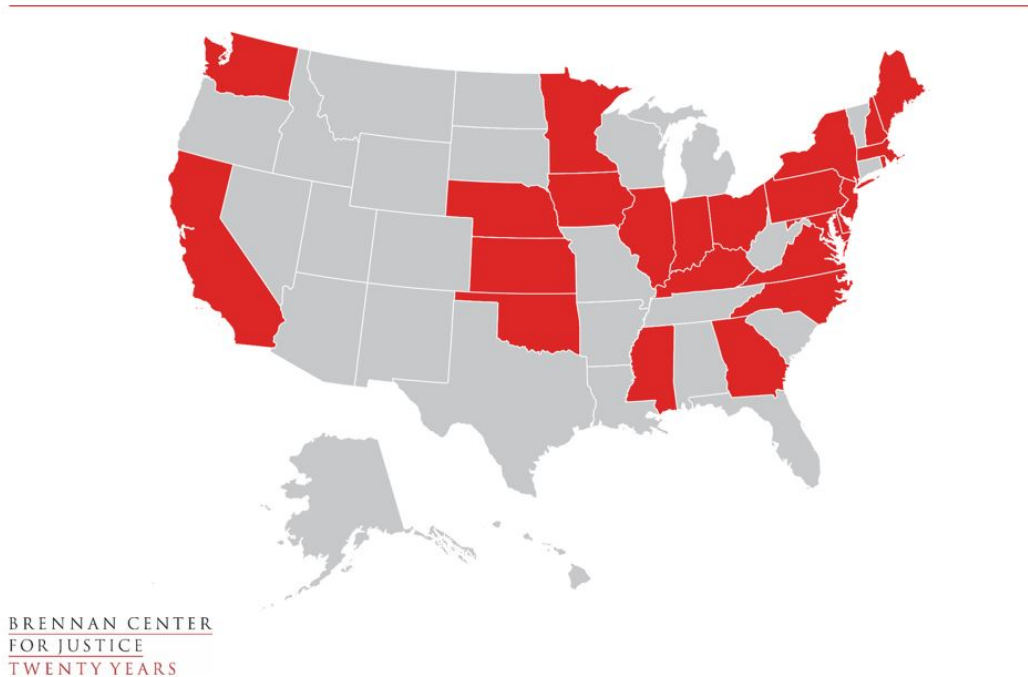
- **Bills That Have Been Signed (*Three States*).**
 - **Washington state** has enacted: (1) a law implementing **automatic voter registration**, (2) a law implementing **election day registration**, (3) a law implementing **pre-registration** for 16- and 17-year-olds, and (4) a state-level **Voting Rights Act** that grants citizens the right to challenge electoral systems that deny race, color, or language minority groups an equal opportunity to elect candidates of their choosing.
 - **California** has enacted a law implementing **pre-registration** through its AVR system.
 - **Utah** has enacted (1) a law that **extends registration deadlines** and (2) a law that may encourage certain counties to offer **early voting** opportunities.
- **Bills Passed by the Legislature (*Three States*).**
 - The **Maryland** Legislature has passed (1) a bill implementing **automatic voter registration** and (2) a constitutional amendment that would permit the Legislature to implement **election day registration**. If ultimately enacted, the amendment will go to the voters in a November referendum.
 - The **South Dakota** Legislature has passed a bill facilitating the **addition of registration locations**.
 - The **Wisconsin** Legislature has passed a bill permitting the use of **tribal identification to register to vote**.
- **Bills Passed by One Legislative Chamber (*Eight States*).**
 - The **Indiana** Senate has passed a bill that would implement **no-excuse absentee voting**.
 - The **Kansas** Senate has passed a bill improving **access for voters with disabilities**.

- The **Maryland** House and Senate have each passed separate bills that would implement **no-excuse absentee voting in municipal elections**.
- The **Michigan** Senate has passed a bill that would permit applicants to **register to vote online** through the secretary of state's website.
- The **New York** Assembly has passed a bill extending the deadline for receipt of **absentee ballot** applications.
- The **Oklahoma** Senate has approved a bill facilitating opportunities for **early in-person voting**.
- The **Pennsylvania** Senate has passed a bill easing access to **absentee ballots for voters with disabilities**.
- The **Wisconsin** House has approved a bill **expanding access for military voters**.

Overview of Restrictive Bills

As of April 2, 2018, at least **24 states** have **introduced or carried over** at least **70 bills** restricting voting access.

Restrictive Bills Introduced or Carried Over in 2018



No states have enacted restrictive laws yet this year, but restrictive legislation is still advancing.

- **Bills Passed by the Legislature (*Two States*).**
 - The **Indiana** Legislature has approved a **list maintenance** bill that fails to fix the problems with its current list maintenance practices (though as we previously observed in footnote 3, this bill presents an unusual case).
 - The **New Hampshire** Legislature has passed a bill that appears to be directed at **detering student voting**.
- **Bills Passed by One Legislative Chamber (*Four States*).**
 - The **Kentucky** House has passed a bill restricting access to **absentee voting**.

- **Bills Passed by One Legislative Chamber (*Three States*).**
 - The **Maryland** House has passed (1) a bill requiring **post-election, manual audits** of voter-verifiable paper records for general elections (and authorizing such audits for primary elections) and (2) a bill requiring the state election administrator to **notify the governor and other elected officials** and agencies, within seven days, **of security violations** involving state elections systems.
 - The **Michigan** House has passed a bill requiring that electronic voting systems use **paper ballots for tabulating purposes**.
 - The **Missouri** House has passed a bill that beginning January 1, 2019 bans future purchase of **direct recording electronic voting machines** and requires that all newly purchased electronic voting systems read paper ballots that voters have marked by hand or, in the case of disabled voters who need assistance, from paper ballots that have been marked by paper-ballot marking devices designed to assist disabled voters.

Appendices listing the bills referenced in this analysis can be found here.

¹ This document tracks certain voting legislation making it easier or harder to register or vote, as well as certain legislation related to election security. Note that there are several types of election- and voting-related legislation that we do not track, including: redistricting, ballot design, enfranchisement of people under 18 or non-citizens, or public or individual notice requirements. The document also does not track administrative changes that could expand or restrict access.

² California, Indiana, Kansas, Maryland, Michigan, New York, Oklahoma, Pennsylvania, South Dakota, Utah, Washington, Wisconsin. This count – and the counts of restrictive and election security bills passed through one chamber – does not include bills that passed through one chamber last year and carried over, or bills that passed through one chamber and subsequently failed.

³ Indiana, Kentucky, New Hampshire, Ohio, Oklahoma. Indiana's current law [violates](#) the National Voter Registration Act of 1993. This Indiana bill introduces some protections against improper purges, but it does not address Indiana's unlawful failure to give notice to voters prior to purging them.

⁴ Indiana, Maryland, Michigan, Missouri, South Dakota, Washington.