

BRENNAN CENTER  
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TWENTY YEARS

*at New York University School of Law*

## **New Voting Restrictions in America**

After the 2010 election, state lawmakers nationwide started introducing hundreds of harsh measures making it harder to vote. The new laws range from strict photo ID requirements to early voting cutbacks to registration restrictions.

Overall, 23 states have new restrictions in effect since then — 10 states have more restrictive voter ID laws in place (and six states have strict photo ID requirements), seven have laws making it harder for citizens to register, six cut back on early voting days and hours, and three made it harder to restore voting rights for people with past criminal convictions.

In 2016, 14 states had new voting restrictions in place for the first time in a presidential election. Those 14 states were: Alabama, Arizona, Indiana, Kansas, Mississippi, Nebraska, New Hampshire, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

In 2017, legislatures in Arkansas and in North Dakota passed voter ID bills, which governors in each state signed, and Missouri implemented a restrictive law that was passed by ballot initiative in 2016. Georgia, Iowa, Indiana, and New Hampshire have also enacted more restrictions this year, in addition to laws that were on the books for previous elections.

This page details the new restrictive voting requirements put in place over the last several years.

[Click here](#) for an interactive version of this page.

*This map has been updated to reflect legislation discussed in the May 10, 2017 [Voting Laws Roundup](#).*

## **STATES WITH RESTRICTIVE LAWS SINCE THE 2016 ELECTION**

### **Arkansas**

**New Law Passed and Enacted in 2017:** Requires that voters show one of a limited set of IDs

**Background:** Passed in 2017 by a Republican-controlled state legislature and signed by a GOP governor.

\* The Arkansas legislature also passed another law this year that would amend the state's constitution to require voter ID. But it must be approved by voters in the form of a ballot initiative before taking effect.

### **Missouri**

**New Law Implemented 2017:** Requires voter ID in order to vote.

**Background:** Passed by ballot initiative in 2016.

### **North Dakota**

**New Law Passed and Enacted in 2017:** The state's governor signed a bill on April 25, 2017 that would restore a strict voter ID requirement in the state.

**Background:** Passed in 2017 by a Republican-controlled state legislature and signed by a GOP governor.

\*In 2016, a federal court partially blocked a previous ID law that accepted a narrow range of identification documents and did not provide any meaningful voting opportunities for voters without the accepted ID. The new bill slightly expands options to use for ID, but eliminates the process the court imposed, which allows voters without IDs to cast a ballot that counts on Election Day, and instead included a more burdensome process. One legislator [argued](#) that that the bill does not pass constitutional muster.

## **STATES WITH RESTRICTIONS IN PLACE FOR FIRST TIME IN PRESIDENTIAL ELECTION IN 2016**

### **ALABAMA**

**New restriction(s) in place for 2016:** Photo ID required to vote.

Click [here](#) to see the types of ID required under Alabama's law.

**Background:** Passed in 2011 by a Republican-controlled legislature and signed by a GOP governor, the photo ID law initially required pre-clearance 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 in January 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 Alabama. A federal appeals court blocked the registration requirement on September 9, 2016. It is subject to ongoing litigation.

### **ARIZONA**

**New restriction(s) in place for 2016:** Limitations on mail-in ballot collection.

**Background:** 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, which went into effect in the summer of 2016.

**Other restrictions in play:** 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.

## **INDIANA**

**New restriction in place since 2016 election:** The state enacted a law that will implement a purge of registered voters from the rolls. The program will remove voters in a manner similar to purges in other states that have been criticized for being error-prone and inadequately protective of eligible voters. Civil rights groups [sued the Secretary of State](#) over the law in August 2017.

**New restriction(s) in place for 2016:** Allows additional party-nominated election officers to demand voters provide proof of identification.\*

**Background:** Passed in 2013 by a Republican-controlled state legislature and signed by a GOP governor.

\* 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.

## **KANSAS**

**New restriction(s) in place for 2016:** Documentary proof of citizenship required to register using the state registration form. But, by court order, certain individuals who registered without showing documentary proof must be permitted to vote.

**Restriction(s) in place for 2012 presidential election:** Photo ID required to vote.

*Click [here](#) to see the types of ID required under Kansas's law.*

**Background:** 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 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. A federal appeals court blocked the registration requirement for the national form on September 9, 2016. 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 the DMV 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. That [ongoing case](#) also has implications for those who use the federal form.

A Republican-controlled legislature passed both the photo ID and documentary proof of citizenship requirements in 2011, and they were signed by a GOP governor.

## MISSISSIPPI

**New restriction(s) in place for 2016:** Photo ID required to vote.

Click [here](#) to see the types of ID required under Mississippi's law.

**Background:** 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

**New restriction(s) in place for 2016:** Reduced early voting period.

**Background:** In 2013, state lawmakers reduced the early voting period from a minimum of 35 days to no more than 30 days. Nebraska's unicameral legislature is technically nonpartisan, but generally is controlled by Republicans. The measure was signed by a GOP governor.

## NEW HAMPSHIRE

**New restriction in place since 2016 election:** The state legislature passed, and the governor signed, a law that would make it more difficult for students and others to register to vote.

**New restriction(s) in place for 2016:** Photo ID requested to vote. The law requires voters without acceptable ID to get photographed at the polls, and the photograph will be affixed to an affidavit.

Click [here](#) to see the types of ID requested under New Hampshire's law.

**Background:** 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.

## OHIO

**New restriction(s) in place for 2016:** Cut early voting and changed absentee and provisional ballot rules.

**Background:** In 2014, lawmakers cut six days of early voting — eliminating “Golden Week,” during which voters could register and cast a ballot all in one trip — and changed absentee and provisional ballot rules. Both restrictions are subject to [ongoing litigation](#).

In 2014, Secretary of State Jon Husted (R) also issued a directive reducing early voting on weekday evenings and weekends. In 2015, state officials and voting rights advocates settled a separate ongoing lawsuit over the early voting hours, which restored one day of Sunday voting and added early voting hours on weekday evenings. The settlement is in place through 2018.

A Republican-controlled state legislature passed the series of voting restrictions, which were signed by a GOP governor.

## **RHODE ISLAND**

**New restriction(s) in place for 2016:** Photo ID requested to vote. There is an affidavit alternative for voters without a photo ID.

Click [here](#) to see the types of ID requested under Rhode Island's law.

**Background:** Passed through a Democratic-controlled legislature and signed by an independent governor in 2011, the measure 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**

**New restriction(s) in place for 2016:** Photo ID required if a voter has one, but an alternative is available for those who have a reasonable impediment to obtaining ID.

Click [here](#) to see the types of ID required under South Carolina's law.

**Background:** The law was passed in 2011 by a Republican-controlled state legislature and 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 less restrictive than other ID requirements. A voter with a reasonable impediment or obstacle to obtaining one of the accepted photo IDs can sign an affidavit at the polls and then vote a provisional ballot.

## **TENNESSEE**

**New restriction(s) in place for 2016:** Photo ID required to vote.

Click [here](#) to see the types of ID required under Tennessee's law.

**Restriction(s) in place for 2012 presidential election:** Reduced early voting period and proof of citizenship required to register.

**Background:** In 2011, a Republican-controlled legislature passed the three voting restrictions, which were signed by a GOP governor. Tennessee's proof of citizenship requirement applies only to individuals flagged by state officials as potential non-citizens based on a database check. In 2013, lawmakers made the photo ID law, which was in place for the 2012 election, even more restrictive by limiting acceptable IDs to those issued by the state or federal government.

## **TEXAS**

**New restriction(s) in place for 2016:** Photo ID required if a voter has one, but an alternative will be available for those who have a reasonable impediment to obtaining ID.

Click [here](#) to see the types of ID required under Texas's law.

**Restriction(s) in place for 2012 presidential election:** Curbed voter registration drives.

**Background:** In 2012, a federal court blocked the 2011 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. In August 2016, a federal court approved an agreement that will [allow voters with an obstacle to obtaining photo ID](#) to cast a regular ballot in November 2016 after showing one of a much larger number of IDs and signing a declaration. In June 2017, Texas passed another voter ID bill described by the attorney general as a response to a court's blocking of the state's previous strict voter ID law. In August 2017, a federal district court blocked enforcement of the new law.

A Republican-controlled legislature passed the restriction on voter registration drives and the strict photo ID law in 2011, and both were signed by a GOP governor.

## **VIRGINIA**

**New restriction(s) in place for 2016:** Photo ID required to vote and limits on third-party voter registration.

Click [here](#) to see the types of ID required under Virginia's law.

**Background:** The restriction on third-party voter registration 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.

The photo ID law is subject to [ongoing litigation](#).

## **WISCONSIN**

**New restriction(s) in place for 2016:** Photo ID required to vote.

Click [here](#) to see the types of ID required under Wisconsin's law.

**Restriction(s) in place for 2012 presidential election:** Restriction on individual voter registration.

**Background:** 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. They are currently on hold after a July 2016 trial court decision finding the restrictions were intentionally racially discriminatory. That decision also ruled voters could obtain a free photo ID by showing up at a state DMV office.

Read more on the [ongoing litigation](#) over the photo ID and early voting restrictions, which were passed by a Republican-controlled legislature in 2011 and 2014, and signed by a GOP governor.



## **STATES WITH RESTRICTIONS IN PLACE FOR THE 2012 PRESIDENTIAL ELECTION**

### **FLORIDA**

**Restriction(s) in place for 2012 presidential election:** Cut early voting, curbed voter registration drives, and made it harder to restore voting rights to people with past criminal convictions.

**Original effective date:** 2011

**Background:** 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**

**New restriction in place since 2016 election:** The state legislature passed and the governor signed a bill that would make voter registration more difficult. It imposes a requirement that voter registration forms match exactly with other state records — a burdensome process known as “no match, no vote.” Only months earlier, the secretary of state agreed in a court [settlement](#) to stop a similar procedure that had prevented tens of thousands from registering.

**Restriction(s) in place for 2012 presidential election:** Reduced early voting period from 45 to 21 days and cut early voting the weekend before Election Day.

**Background:** 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 in January 2016, the Election Assistance Commission's Executive Director announced that that documentary proof of citizenship would be added to the national voter registration form instructions. A federal appeals court blocked the registration requirement on September 9, 2016. It is subject to ongoing litigation. In 2011, a Republican-controlled legislature also reduced early voting. Both laws were signed by a GOP governor.

### **ILLINOIS**

**Restriction(s) in place for 2012 presidential election:** Curbed voter registration drives.

**Original effective date:** 2011

**Background:** Passed in 2011 by a Democratic-controlled legislature and signed by a Democratic governor, the measure changed the allotted time for returning voter 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 harmful as others, like one in Texas, because the reduction does not apply to groups only using the national mail-in voter registration form.

## IOWA

**New restriction in place since 2016 election:** Iowa's governor signed a broad-based law that will require voter ID, restrict voter registration efforts, and impose new burdens on Election Day registration and early and absentee voting. Although not as restrictive as a North Carolina law that passed in 2013 (and was blocked by a federal court), Iowa's law similarly restricts voting in a number of different ways.

**Restriction(s) in place for 2012 presidential election:** Made it harder to restore voting rights to people with past criminal convictions.

**Original effective date:** 2011

**Background:** 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.

## SOUTH DAKOTA

**Restriction(s) in place for 2012 presidential election:** Made it harder to restore voting rights to people with past criminal convictions.

**Original effective date:** 2012

**Background:** Passed in 2012 by a Republican-controlled legislature and signed by a GOP governor.

## WEST VIRGINIA

**Restriction(s) in place for 2012 presidential election:** Reduced early voting period from 17 to 10 days.

**Original effective date:** 2011

**Background:** Passed in 2011 by a Democratic-controlled state legislature and signed by a Democratic governor.

## **OTHER NOTABLE VOTING LAW CHANGES**

- **Arkansas** – A Republican-controlled legislature passed a photo ID law in 2013, overriding a veto from Gov. Mike Beebe (D). On October 15, 2014, 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.