

2013 VOTING LAW CHANGES: LEGISLATION MAKING IT HARDER TO VOTE

In 2013, state legislatures continue to introduce laws that could make it harder to vote. Below is a compilation of potentially restrictive laws proposed nationwide in the 2013 state legislative session or carried over from the 2012 session. These laws have been passed or remain pending as of October 24, 2013. For the most current status of any particular bill, click the provided link to each state legislative website.

Arkansas

Passed Legislation

Photo ID Requirement

Bill: [S.B. 2](#)

Acceptable Forms of Photo ID

“Proof of identity” means a document or ID card issued by United States, Arkansas, or an accredited postsecondary educational institution in Arkansas that shows voter’s name, photograph, contains an expiration date and expired no more than 4 years before date of election. Acceptable proof of identity includes but is not limited to:

- Driver’s License
- Photo ID card
- Concealed handgun carry license
- U.S. Passport
- Employee badge or ID document
- A U.S. military ID document
- A student ID card issued by an accredited postsecondary educational institution in the State of Arkansas
- A public assistance ID card
- A voter ID Card

Non-photo ID for Absentee Voting

When voting by absentee ballot, voters must submit with the ballot a copy of one of the following:

- Current and valid photo ID
- Current utility bill
- Bank statement
- Government check
- Paycheck or
- Other government document showing voter’s name and address.

Exceptions

Residents of licensed nursing homes, residential care facilities, assisted-living facilities, or facilities that provide long-term care need not show ID, but must provide documentation from the facility administrator attesting to their residence in the facility.

Affidavit Alternative

Persons who are indigent or have a religious objection to being photographed who lack a photo ID may cast a provisional ballot and then execute an affidavit no later than noon the following Monday at the County Board of Elections. There is no affidavit alternative for voters without ID at the polling place.

Provisional Ballots Counted if ID Presented by Following Monday

Provisional ballots are given to any voter lacking acceptable ID, and will be counted if voter returns to the County Board of Elections by noon on the Monday following the election and (1) provides acceptable ID; or (2) executes affidavit stating voter is indigent or has religious objection to being photographed.

Free ID

Requires the Secretary to promulgate rules for issuance of a new voter ID card, to be provided free of charge by the County Clerk to anyone who signs an oath that he or she does not have another valid proof of identity.

Indiana

Passed Legislation

Authorizes Challengers to Request ID from Voters

Bill: [S.B. 518](#)

Authorizes challengers to request voter show proof of identification and states voter shall produce the identification.

Illinois

Pending Legislation

Photo ID Requirement

Bill: [H.B. 0976](#)

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Requires specified forms of photo ID to vote, subject to certain exemptions.

Bill: [S.B. 1393](#) (identical to [S.B. 1685](#))

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Requires specified forms of photo ID to vote, subject to certain exemptions. Requires State Board of Elections to implement voter education program.

Bill: [S.B. 1682](#) (identical to [H.B. 3007](#))

Click For Most Recent Status: [S.B. 1682](#) / [H.B. 3007](#)

Requires specified forms of photo ID to vote. No provisions for exceptions, free ID, or affidavit alternative.

Reduces Voting Hours on Election Day

Bill: [S.B. 1902](#)

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Massachusetts

Pending Legislation

Voter ID Requirement

Bill: [H.B. 572](#)

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Requires specified forms of documentary proof of identity to vote.

Photo ID Requirement

Bill: [H.B. 592](#)

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Requires specified forms of photo identification to vote.

Proof of Citizenship Requirement

Bill: [H.B. 589](#)

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Requires specified forms of documentary proof of citizenship at registration.

Michigan

Pending Legislation

Photo ID Requirement

Bill: [H.B. 4938](#)

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Requires specified forms of photo identification to vote.

Montana

Passed Legislation

Eliminates Election Day Registration

Bill: [S.B. 405](#)

Ends same-day registration at 5:00 pm the Friday before Election Day, rather than the current deadline of 8:00 p.m. on Election Day.

Nebraska

Passed Legislation

Early Voting Restrictions

Bill: [L.B. 271](#)

Reduces Early Voting Period by at least 5 days. Currently, Nebraska allows for at least 35 days of early in-person voting. Bill reduces early voting period to no more than 30 days.

New York

Pending Legislation

Photo ID Requirement

Bill: A.B. 03789

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Requires valid government-issued photo ID to vote in person and copy of such ID to vote by mail-in ballot (Includes list of acceptable forms of ID). Allows voters lacking ID to cast affidavit ballot.

Bill: A.B. 03788

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Requires specified forms of photo ID to vote in person and copy of such ID to vote by mail-in ballot, subject to certain exemptions. Allows voters lacking ID to cast affidavit ballot.

Bill: S. 100

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Requires specified forms of photo ID to vote in person.

North Carolina

Passed Legislation

Photo ID Requirement, Early Voting Restrictions, Eliminates Same Day Registration, Restricts Pre-Registration, & Other Voting Changes

Bill: H.B. 589

Acceptable Forms of ID

Every qualified voter shall present photo ID bearing reasonable resemblance to that voter to a local election official before voting. "Photo identification" means any of the following that contains a photograph and that shall have an expiration date and be unexpired, provided that people over 70 may use an expired ID that was unexpired on their 70th birthday. For ID (4) through (6), no expiration date is required if the issuance date is fewer than 8 years before it is presented.

- (1) North Carolina driver's license, including learner's permit or provisional license.
- (2) Special non-operator's identification card
- (3) Passport
- (4) Military identification card (no requirement that it have a printed expiration or issuance date)
- (5) Veteran's identification card (no requirement that it have a printed expiration or issuance date).
- (6) Tribal enrollment card

- (7) A driver's license or nonoperator's identification card issued by another state if the voter's voter registration was within 90 days of the election.

Exemptions from Photo ID Requirement

- People who, because of age or disability, are permitted to use curbside voting.
- Religious objectors who have filed a declaration at least 25 days before the election, or who sign declaration in-person at county board of elections after voting provisional ballot.
- Victims of natural disaster resulting in disaster declaration and occurring within 60 days of the election
- Law contains no affidavit alternative.

Provisional Ballot Counted if Acceptable Photo ID Later Presented

- Provisional ballot counted if acceptable ID is presented in person at the county board of elections by noon on the day prior to convening of the election canvass.

Free Photo ID

Registered voters who do not have acceptable photo ID may sign a declaration to such effect and shall be issued an ID card for free after their registration is verified. Such declaration, if false or fraudulent, is a Class I felony.

- Permits challengers to challenge a voter for failure to present photo ID.
- Expands types of facilities offering voter registration services
- Creates Voter Information Verification Advisory Board to assist in election administration.

Eliminates Pre-Registration

- Eliminates ability of 16-year-olds and 17-year-olds to preregister to vote before they turn 18.

Eliminates Same-Day Registration

- Eliminates ability to register and then vote in-person at one-stop voting sites.

Eliminates Out-of-Precinct Voting

- Provides that voters may only vote in the precinct in which they are registered, and that out-of-precinct votes may not be counted, even for ballot items for which the voter is otherwise eligible to vote.

Reduces Early Voting Opportunities

- Eliminates one week of early in-person voting.
- Requires county boards of election to calculate cumulative number of scheduled voting hours at all sites in 2010 and 2012 primary and general elections, and provide for at least the same number of hours — through a combination of hours and numbers of one-stop sites — in corresponding primary and general elections.

Poll Observers and Challengers

- Chair of each political party in a county may designate 10 additional at-large observers who are residents of the county to attend any voting place in the county. Previously, chair of each political party could designate two observers per voting place.

- Allows persons offering to vote to be challenged at the polls by any registered voter of the county. Previously, challengers had to be registered in the precinct.

Restricts Approval of Satellite Polling Places for Aid of Elderly or Disabled Voters

- Requires unanimous vote of county board of elections to approve satellite polling places for elderly or disabled voters. Provides that approval of a satellite polling place is only effective for one year and shall be reviewed annually for extension.

Ends Annual Voter Registration Drive

- Repeals annual “Citizens Awareness Month,” during which the State Board of Elections would initiate a statewide voter registration drive to be conducted by the boards of elections.

Studies to Reduce Long Lines and Assist Voters

- Requires study optimal numbers of voters in election precincts so as to reduce overcrowding and long lines, and recommend legislation to the General Assembly. Study must also examine size of polling place, accessibility, and parking availability.
- Requires Joint Legislative Elections Oversight Committee to study ways to improve protections for persons requiring assistance at voting locations and recommend legislation to the General Assembly.

Eliminates Authority to Keep Polls Open for an Extra Hour

- Eliminates authority of county boards of elections to keep polls open for an extra hour, but permits the State Board of Elections, in the event the polls are delayed in opening for more than 15 minutes, to extend the closing time of the polls by an equal number of minutes.

North Dakota

Passed Legislation

Photo ID Requirement

Bill: [H.B. 1332](#)

Requires photo ID or other forms of ID prescribed by the Secretary of State to vote in-person. No exceptions provided.

Ohio

Pending Legislation

Early Voting Restrictions

Bill: [H.B. 250](#)

[Click For Most Recent Status](#)

Reduces start of early voting period from 35 days before Election Day to 17 days before Election Day.

Restrictions on Voter Registration

Bill: [H.B. 266](#)

[Click for Most Recent Status](#)

Prohibits any government entity, except for the Secretary of State, from mailing unsolicited voter registration or absentee ballot applications. Forbids pre-payment of return postage where such applications are requested or distributed by the Secretary of State.

Photo Identification Requirement

Bill: [H.B. 269](#)

[Click for Most Recent Status](#)

Requires specified forms of government-issued photo ID to vote.

South Carolina

Pending Legislation

Proof of Citizenship at Registration

Bill: [SB 227](#)

[Click For Most Recent Status](#)

Requires specified forms of documentary proof of citizenship to register.

Tennessee

Passed Legislation

More Restrictive Photo ID Requirement

Bill: [S.B. 125](#)

Bill further restricts Tennessee's photo ID law so that only ID issued by Tennessee or the United States can serve as acceptable ID. Under current law, photo ID issued by a "branch, department, agency, or entity" of Tennessee or of any other state can serve as acceptable ID. Bill provides that photo ID—including employee ID cards—must be issued by the United States or Tennessee, and not by "any county, municipality, or entity thereof, including a public library."

Virginia

Passed Legislation

Restrictions on Voter Registration (Regulation of Third Parties)

Bills: [S.B. 1008](#)

Registration and Training Requirements

When the State Board, local electoral board, or general registrar's office furnishes individuals or groups with 25 or more copies of state voter registration applications, such individuals or groups must register with the State Board. Individuals or agents representing a group requesting 25 or more copies of the state applications are required to receive training as approved by the State Board and sign an affidavit attesting they will abide by all Virginia laws and rules regarding registration.

No pre-population of registration forms

Unless directed by the applicant, state voter registration applications may not be pre-populated with information.

Reduces Length of Time by Which Voter Reg. Applications must be Mailed by Volunteers

A person who agrees to mail or deliver a signed voter registration application must mail or deliver it within 10 days (currently 15) of the applicant's signature to be considered timely.

Photo ID Requirement

Bills: [S.B. 1256](#) / [H.B. 1337](#)

The description below tracks S.B. 1256, the later-signed bill whose provisions likely supersede H.B. 1337 to the extent there is a conflict.

Acceptable Forms of Photo ID

An officer of election shall ask each person offering to vote to present any of the following forms of identification:

- Valid Virginia driver's license
- Valid U.S. Passport
- Other photo ID issued by Virginia, one of its political subdivisions, or the United States;
- Student ID card containing a photo and issued by an institution of higher education located in Virginia;
- Valid employee ID card containing a photo and issued by an employer of the voter in the ordinary course of the employer's business.

Eliminates the following ID from currently accepted ID:

- Voter registration card
- Social security card
- Concealed handgun permit
- Utility bills
- Bank statements
- Government checks
- Paychecks.

Photo ID Required for In-Person Absentee Voting

Bill requires in-person absentee ballot applicants to provide one of the forms of ID required for in-person voting.

Free ID

State Board must provide each general registrar with the equipment necessary to obtain a voter's photograph and signature, and no general registrar shall be required to purchase such equipment as his or her own expense. The State Board shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of ID permitted, for the purpose of providing free voter registration cards to such voters. The Department of Motor Vehicles shall provide assistance as required in providing such voter registration cards.

Provisional Ballots

Voters who vote a provisional ballot and do not submit an acceptable form of ID may submit a copy of one of the forms of ID to the electoral board by fax, email, in-person submission, or timely mail delivery, to be received by the electoral board no later than noon on the third day after the election. Electoral boards may not count the provisional ballots of voters who have not provided one of the acceptable forms of ID.¹

Exceptions

None.

¹ See Va. Code Ann. § 24.2-653.

Wisconsin

Pending Legislation

Early Voting Restrictions

Bill: [A.B. 54](#)

[Click For Most Recent Status](#)

Reduces hours for casting in-person absentee ballots.

Early Voting Restrictions; Proof of Residency Restrictions

Bill: [A.B. 225](#)

[Click for Most Recent Status](#)

Restricts in-person absentee voting opportunities; expands list of documents permitted for proof of residency but prohibits use of electronic forms of the same documentation.

Early Voting Restrictions

Bill: [S.B. 324](#)

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Restricts in-person absentee voting opportunities