

BRENNAN CENTER FOR JUSTICE

at New York University School of Law

VOTING LAWS ROUNDUP 2013

In 2012, a wave of restrictive voting laws swept the nation, threatening the votes of up to *5 million* Americans. As a result of dramatic pushback across the country, all of the worst laws were blocked, blunted, postponed, or repealed.

But, attempts to restrict access to the ballot have continued in 2013. After the Supreme Court decision in *Shelby County v. Holder* overturned a key part of the Voting Rights Act, three states put in place restrictions previously blocked. And one state, North Carolina, passed a new law to curb rights — one of the most restrictive laws since the Jim Crow era. Since then, President Barack Obama, former Secretary of State Hillary Clinton, Gen. Colin Powell, and many others have denounced laws erecting new barriers to the vote.

One bright spot in 2013 is the growing momentum around efforts to make voting more accessible. More states have introduced legislation, garnering bipartisan support, to improve the voting process and increase access to the ballot. The Brennan Center has recommended four key reforms to ensure elections are free, fair, and accessible for all eligible Americans:

- 1) Modernize voter registration
- 2) Expand early voting
- 3) Improve management of polling place resources
- 4) Improve the simplicity and usability of ballots and voting machines, and publish data on machine performance

We've seen positive movement among all of these areas this year. Here you will find our comprehensive tracking of new voting laws in 2013, and details of our modernization proposal.

Since the beginning of 2013*, restrictive voting bills have been introduced in more than half the country:

- At least **82 restrictive bills** were introduced in **31 states**
- Of those, **7 restrictive bills** are still pending in **4 states**
- Of those, **1 restrictive bill** is currently active in **Wisconsin**, in that there has been legislative activity beyond introduction and referral to committee (such as hearings, committee activity, or votes)
- **8 states** have already passed **9 restrictive bills** this session

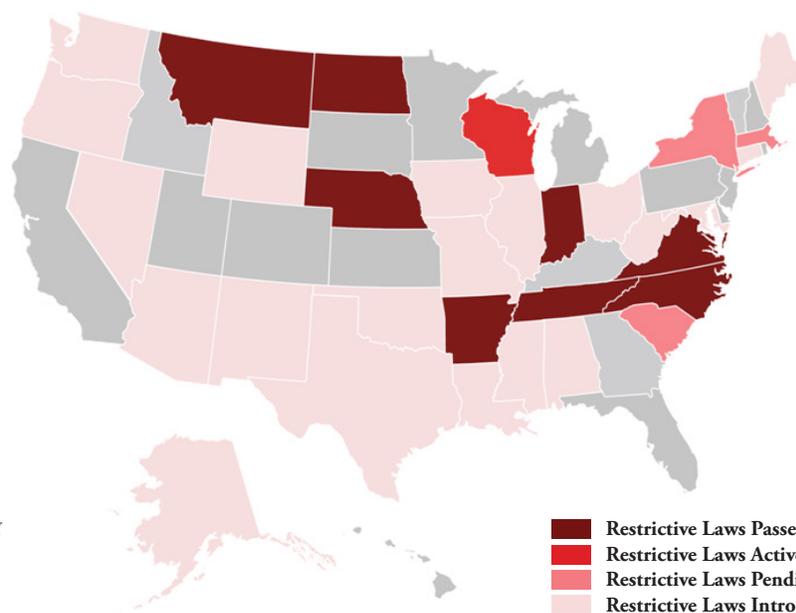
At the same time, politicians from both sides of the aisle have introduced and supported bills that expand access to registration and voting:

- At least **219 expansive bills** that would increase access to voting were introduced in **45 states**
- Of those, **65 expansive bills** are still pending in **8 states**
- Of those, **18 expansive bills** are currently active in **6 states**,¹ in that there has been legislative activity beyond introduction and referral to committee (such as hearings, committee activity, or votes)
- **10 states** have passed **13 bills that expand opportunities** for eligible citizens to register and to vote

¹ California, Massachusetts, New Jersey, New York, Pennsylvania, South Carolina.

* Data updated as of August 6, 2013.

RESTRICTIVE VOTING LEGISLATION IN 2013



Note: In the cases where more than one piece of restrictive legislation has been introduced in a state, we designate the state's passed, active, or pending status based on its most active piece of legislation.

Restrictions Passed in 2013

Despite the controversy surrounding voting restrictions leading up to the 2012 elections, there were a number of bills introduced and passed in 2013 legislative sessions to limit voting access. And while the most widespread type of legislation was a photo ID requirement, other restrictive measures were common, including proof of citizenship laws, early voting cuts, and proposals making it harder for students to vote.

North Carolina: One of the most restrictive voting laws since the Jim Crow era, the bill requires a photo ID to vote, eliminates same-day registration, eliminates pre-registration for 16- and 17-year-old citizens, and reduces the early voting period, among other changes.

Arkansas: Requires photo ID to vote (legislature overrode gubernatorial veto).

Indiana: Authorizes challengers to demand proof of identification.

Montana: Referendum to repeal Election Day registration placed on the ballot for 2014.

Nebraska: Reduces the early voting period.

North Dakota: Requires photo ID to vote.

Tennessee: More restrictive photo ID requirement.

Virginia: Requires photo ID to vote.

Summary of Introduced and Pending Restrictive Voting Legislation

- At least **22 states** introduced some form of **photo ID law**.²
- At least **8 states** introduced legislation requiring **proof of citizenship**.³
- At least **7 states** introduced bills to make **voter registration harder**.⁴
- At least **7 states** introduced measures to **limit early voting**.⁵
- At least **2 states** introduced laws to further **restrict voting rights of persons with criminal convictions**.⁶
- At least **2 states** proposed laws making it **harder for students to vote**.⁷

² Alaska, Arkansas, Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Tennessee, Virginia, Washington, West Virginia, Wyoming.

³ Massachusetts, Missouri, Nevada, Oklahoma, Oregon, South Carolina, Texas, Virginia.

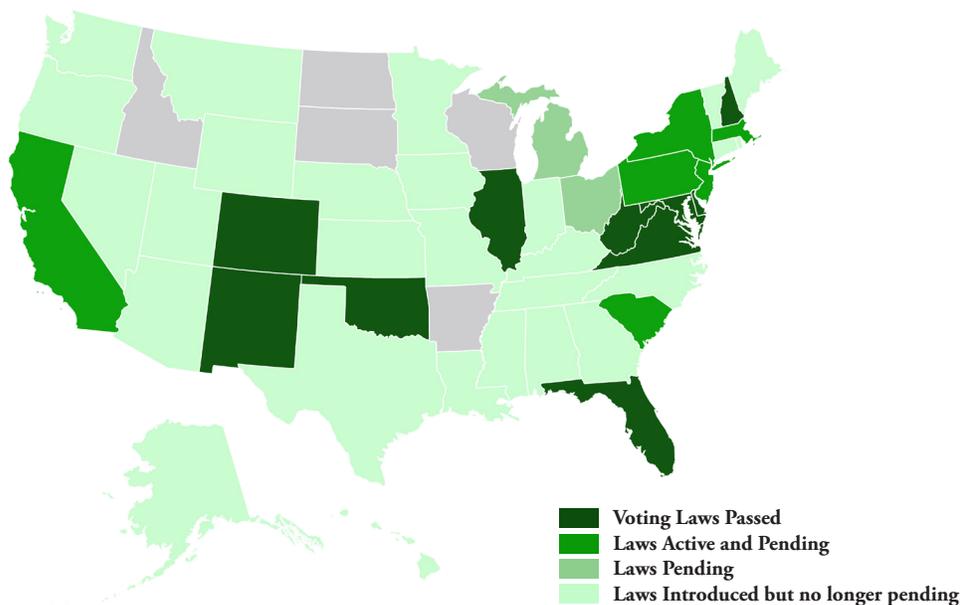
⁴ Alabama, Montana, Nebraska, New Mexico, North Carolina, Texas, Virginia.

⁵ Arizona, Indiana, Nebraska, North Carolina, Tennessee, Texas, Wisconsin. As of August 6, 2013, a bill is still active in Wisconsin.

⁶ North Carolina, Maine.

⁷ North Carolina, Ohio.

LAWS TO EXPAND ACCESS TO VOTING IN 2013



Note: In the cases where more than one piece of expansive legislation has been introduced in a state, we designate the state's passed, active, or pending status based on its most active piece of legislation.

Expansive Voting Laws Passed in 2013

As Congress considers how to fix the Voting Rights Act, states across the country moved to expand voting access this year. Already, 43 states and the District of Columbia — without fanfare or partisan wrangling — have implemented important elements of our Voter Registration Modernization plan.

Colorado: Broadly modernizes the voter registration process, including Election Day registration, portable registration, and the pre-registration of eligible 16- and 17-year-old citizens.

Delaware: A constitutional amendment expands opportunities for people with past criminal convictions to regain their right to vote.

Florida: Expands early voting opportunities.

Illinois: Adds online voter registration.

Maryland: Expands early voting and same-day registration, and creates a study of methods to reduce long lines at the polls.

New Hampshire: Makes existing photo ID law less restrictive.

New Mexico: Automates voter registration at DMVs.

Oklahoma: Makes existing photo ID law less restrictive.

Virginia: Creates online voter registration.

West Virginia: Adds online voter registration.

Summary of Introduced and Pending Legislation to Expand Access to Voting

- At least **10 states**⁸ introduced bills to **relax voter ID laws**.
- At least **25 states**⁹ introduced laws to **modernize voter registration**.
 - This includes broad-based modernization laws, automation at DMVs, online registration, same-day registration, and portability.
- At least **20 states** introduced measures to **increase early voting opportunities**.¹⁰
- At least **14 states** introduced proposals to expand opportunities for those with **criminal convictions to regain their right to vote**.¹¹
- At least **13 states** introduced bills allowing students under 18 to **pre-register to vote**.¹²
- At least **4 states** introduced laws to **reduce long lines at the polls**.¹³

⁸ Alabama, Indiana, Kansas, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas.

⁹ Alabama, Alaska, Arizona, Colorado, Florida, Georgia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Montana, Nevada, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia. As of August 6, 2013, bills remain active in Massachusetts and Pennsylvania.

¹⁰ Connecticut, Florida, Georgia, Illinois, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia. As of August 6, 2013, bills remain active in Massachusetts, New Jersey, New York, and South Carolina.

¹¹ California, Delaware, Florida, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, New Jersey, New Mexico, New York, Tennessee, Virginia, Wyoming. As of August 6, 2013, a bill remains active in California.

¹² California, Colorado, Connecticut, Hawaii, Iowa, Massachusetts, Michigan, Nebraska, New York, Ohio, Oregon, Texas, Washington. As of August 6, 2013, bills remain active in California, Massachusetts, and New York.

¹³ Arizona, Connecticut, Maryland, Virginia.

Voter Registration Modernization: A Proposal

In the wake of election 2012, and the recent decision striking down a key section of the Voting Rights Act, we need basic national standards to minimize long lines at the polls and ensure every eligible American who takes responsibility to vote is properly registered and can cast a ballot that counts. Voter Registration Modernization is a key reform to achieve these goals.

- It establishes voluntary, automated registration of all consenting citizens when they interact with a wide range of government agencies
- It makes registration portable, keeping voters on the rolls even when they move
- It provides fail-safe procedures to ensure that eligible voters whose information is not on the rolls or not up to date can correct the information online or at the polls
- It offers states federal funding to make necessary technological upgrades

The benefits are substantial:

- It boosts election integrity, providing safeguards against hacking and curbing the potential for fraud
- It could help bring up to 50 million eligible voters into the political process
- It costs less than the current paper-based system

To learn more about the Brennan Center's proposal for Voter Registration Modernization, please visit www.brennancenter.org/VRM.

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