

# BRENNAN CENTER FOR JUSTICE

*at New York University School of Law*

## VOTING LAWS ROUNDUP 2014

The beginning of 2014 shows real momentum toward improving our elections, both in the states and nationally.

This January saw two bipartisan, breakthrough efforts to modernize elections, both of which President Obama highlighted in his State of the Union address. The bipartisan Presidential Commission on Election Administration released a widely-praised set of recommendations to fix many of the problems persistently plaguing our system. And Republicans and Democrats in Congress introduced a bill to strengthen the Voting Rights Act, in response to the Supreme Court's decision gutting the heart of the Act last summer.

This movement is continuing in the states, where lawmakers in most states have introduced scores of bills to expand voting access. The trend marks a shift from before the 2012 election, when 41 states introduced 180 restrictive voting bills, with 19 states ultimately passing 27 measures. Certainly, it is too early for voter advocates to rest: The positive momentum is developing at the same time other legislators continue to push laws that would make it harder for eligible Americans to vote, and several restrictive bills are expected to pass. But thus far, states are considering many more measures to improve the voting system than to restrict voting.

Here you will find a regularly-updated, comprehensive roundup of introduced, pending, active, and passed voting bills.<sup>1</sup>

Since the beginning of 2014\*, legislators from both sides of the aisle have introduced and supported bills that expand access to registration and voting:

- At least **190 expansive bills** that would increase access to voting were introduced in **31 states** whose legislatures have had floor activity in 2014.
- Of those, **12 expansive bills** are active in **7 states**, in that there has been legislative activity beyond introduction and referral to committee in 2014 (such as hearings, committee activity, or votes).<sup>2</sup>

Vigilance is still required, as numerous restrictive voting bills have been introduced in a number of the states currently in session:

- At least **49 restrictive bills** were introduced or carried over from 2013 in **19 states** whose legislatures have had floor activity in 2014.<sup>3</sup>
- Of those, **5 restrictive bills** are active in **4 states**, in that there has been legislative activity beyond introduction and referral to committee in 2014 (such as hearings, committee activity, or votes).<sup>4</sup>

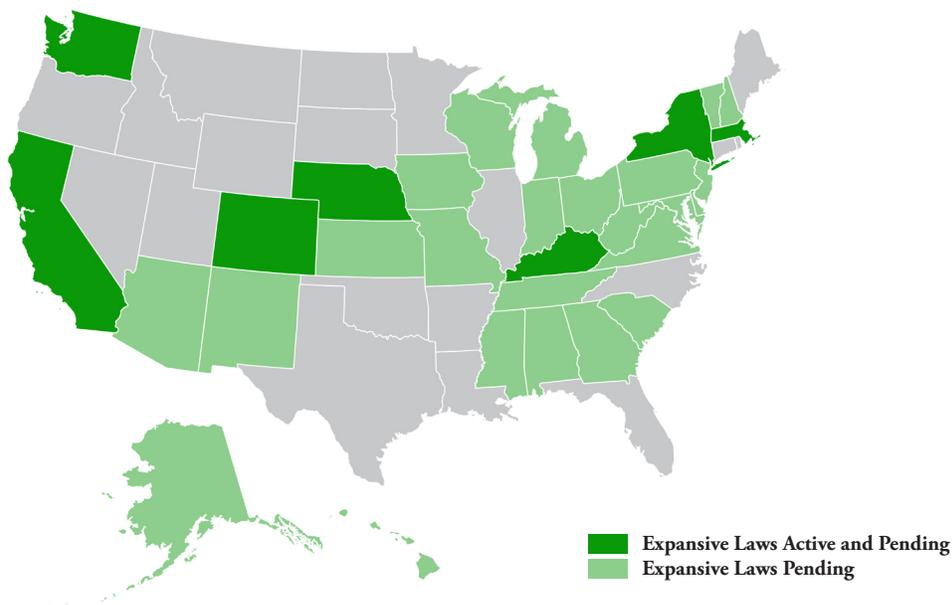
<sup>1</sup> This document tracks certain voting legislation making it easier or harder to register or vote. Note that there are several types of election- and voting-related legislation that we do not track, including: ballot design, voting machines, enfranchisement of people under 18 or non-citizens, or public or individual notice requirements. The document also does not track other administrative changes that could indirectly expand or restrict access, such as rules for challenging voter eligibility or counting provisional ballots.

<sup>2</sup> As of January 23, 2014, bills are active in California, Colorado, Kentucky, Massachusetts, Nebraska, New York, and Washington.

<sup>3</sup> We include bills carried over from 2013 in states in which, as of January 23, 2014, the legislative session had begun.

<sup>4</sup> As of January 23, 2014, bills are active in Nebraska, New Hampshire, Washington, and Wisconsin.

# LAWS TO EXPAND ACCESS TO VOTING IN 2014



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

## Enhancing Voter Access

A new influx of bills to enhance voter access is drawing support on both sides of the aisle, many bearing much similarity to the recommendations offered by the president's bipartisan commission. Efforts to modernize our voter registration system are particularly prevalent.

### Summary of Introduced and Pending Legislation to Expand Access to Voting

- **Modernizing voter registration.** At least **18 states** have introduced bills that would modernize the voter registration system, in whole or in part, and make it easier for eligible citizens to register.<sup>5</sup>
  - ◇ **Broad-based modernization.** At least **3 states** have introduced wide-ranging legislation to modernize the voter registration process using some combination of electronic transfer of voter registration information, online registration, portability, and fail-safe protections.<sup>6</sup>
  - ◇ **Online registration.** At least **7 states** have introduced bills that would establish or enhance the use of online registration systems.<sup>7</sup>
  - ◇ **Same-day registration.** At least **15 states** have introduced bills that would allow voters to register on

the same day they vote.<sup>8</sup> Same-day registration (SDR) bills can vary in that some allow same-day registration on Election Day only (EDR), some allow it during an early voting period only, and some may allow both options.

- ◇ **Portability.** At least **4 states** have introduced bills that would allow a voter's registration to move with her when she moves to a new address in the state.<sup>9</sup>
- **More early voting opportunities.** At least **13 states** have introduced bills that would newly introduce, or expand, opportunities for early in-person voting.<sup>10</sup>
- **Pre-registering students to vote.** At least **11 states** have introduced bills that would allow students under the age of 18 to pre-register, so that upon turning 18 they are registered to vote.<sup>11</sup>
- **Restoring voting rights.** At least **7 states** have introduced bills that would expand opportunities for those with criminal convictions to regain their right to vote.<sup>12</sup>
- **Identification laws.** At least **9 states** have introduced bills that would relax existing voter ID or proof of citizenship laws.<sup>13</sup>
- **Making it easier for students to vote.** At least **1 state** has introduced legislation that would make it easier for students to register and vote.<sup>14</sup>

<sup>5</sup> Alabama, Alaska, Arizona, Delaware, Georgia, Hawaii, Massachusetts, Michigan, Mississippi, Nebraska, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Tennessee, Vermont, Washington. As of January 23, 2014, bills are active in Massachusetts, Nebraska, and New York.

<sup>6</sup> Massachusetts, Nebraska, New York. As of January 23, 2014, a bill is active in Nebraska.

<sup>7</sup> Massachusetts, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania. As of January 23, 2014, bills are active in Massachusetts.

<sup>8</sup> Alabama, Alaska, Arizona, Delaware, Georgia, Hawaii, Massachusetts, Mississippi, New Jersey, New Mexico, New York, Pennsylvania, Tennessee, Vermont, Washington. As of January 23, 2014, bills are active in New York.

<sup>9</sup> Massachusetts, Nebraska, New Jersey, New York.

<sup>10</sup> Arizona, Georgia, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia. As of January 23, 2014, bills are active in Massachusetts and New York.

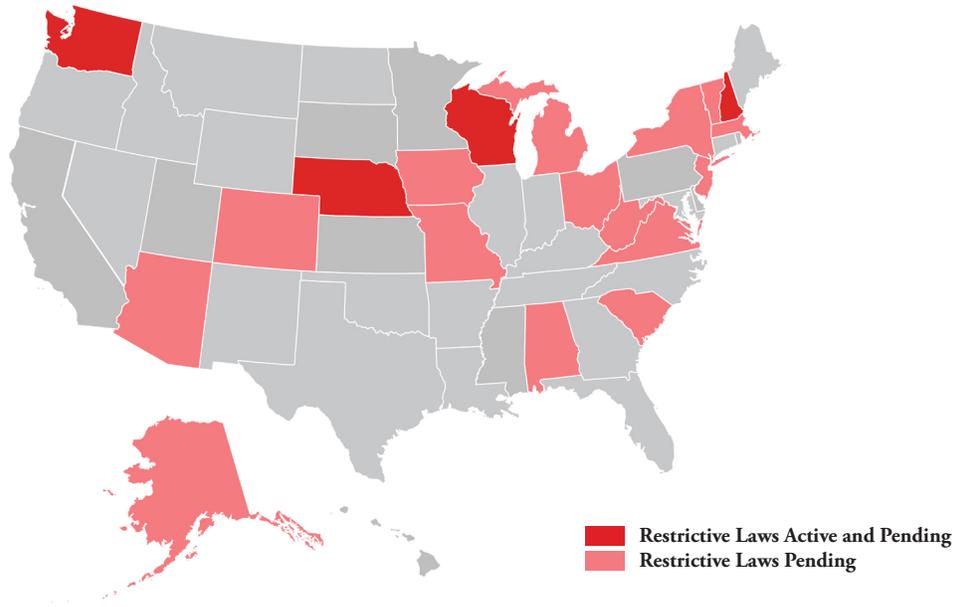
<sup>11</sup> California, Iowa, Massachusetts, Michigan, Mississippi, Nebraska, New Jersey, New York, Ohio, Virginia, Washington. As of January 23, 2014, bills are active in California, Massachusetts, and Washington.

<sup>12</sup> Arizona, Iowa, Kentucky, New Jersey, New York, Tennessee, Virginia. As of January 23, 2014, a bill is active in Kentucky.

<sup>13</sup> Arizona, Kansas, New Hampshire, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, Wisconsin.

<sup>14</sup> New York.

# LAWS TO RESTRICT ACCESS TO VOTING IN 2014



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

## Enhancing Voter Access (cont'd)

- **Reducing long lines.** At least **1 state** has introduced a bill to reduce waiting times by requiring, or assessing, the implementation of minimum standards for efficient polling place administration.<sup>15</sup>
- **Improving access for military voters.** At least **4 states** have introduced bills aimed at expanding opportunities to vote for voters in the military.<sup>16</sup>
- **Expanding voting by mail.** At least **13 states** have introduced bills aimed at expanding opportunities to cast ballots by mail.<sup>17</sup>
- **Guaranteeing the right to vote.** At least **1 state** has introduced a bill that would amend its constitution to guarantee the right to vote.<sup>18</sup>
- **Improving list maintenance.** At least **1 state** has introduced a bill to improve voter list maintenance to protect eligible individuals against wrongful removal.<sup>19</sup>

## Summary of Introduced and Pending Restrictive Voting Laws

- **Identification laws**
  - ◇ **Photo ID laws.** At least **11 states** have introduced legislation either requiring voters to show photo ID at the polls or making existing photo ID laws more restrictive.<sup>20</sup>
  - ◇ **Proof of citizenship laws.** At least **2 states** have introduced legislation requiring proof of citizenship, such as a birth certificate, to register or vote.<sup>21</sup>
- **Making voter registration harder.** At least **8 states** have introduced legislation to limit voter registration mobilization efforts and reduce other registration opportunities.<sup>22</sup>
- **Reducing early voting opportunities.** At least **2 states** have introduced legislation to limit existing opportunities to vote early in person.<sup>23</sup>
- **Making it harder for students to vote.** At least **1 state** has introduced legislation that would make it harder for students to register and vote.<sup>24</sup>
- **Reducing opportunities to vote by mail.** At least **5 states** have introduced legislation that would make it harder to cast ballots by mail.<sup>25</sup>
- **Making voter purges worse.** At least **1 state** has introduced legislation to limit protections for voter purges and increase the chance of wrongful removal of eligible voters.<sup>26</sup>

<sup>15</sup> Ohio.

<sup>16</sup> Missouri, New Jersey, Ohio, Virginia.

<sup>17</sup> Colorado, Indiana, Iowa, Maryland, Missouri, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia. As of January 23, 2014, a bill is active in Colorado. While not counted here, legislation has been proposed in at least one state to expand authority to conduct elections primarily by mail ballots. One such bill is pending in Nebraska.

<sup>18</sup> New York.

<sup>19</sup> Virginia.

<sup>20</sup> Alaska, Colorado, Iowa, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New York, Ohio, West Virginia. As of January 23, 2014, a bill is active in New Hampshire.

<sup>21</sup> Massachusetts, South Carolina.

<sup>22</sup> Alabama, Arizona, Nebraska, New Jersey, Ohio, Vermont, Washington, Wisconsin. As of January 23, 2014, bills are active in Nebraska, Washington, and Wisconsin.

<sup>23</sup> Ohio, Wisconsin.

<sup>24</sup> A bill is active in New Hampshire.

<sup>25</sup> Arizona, Nebraska, Ohio, South Carolina, Washington.

<sup>26</sup> Virginia.

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