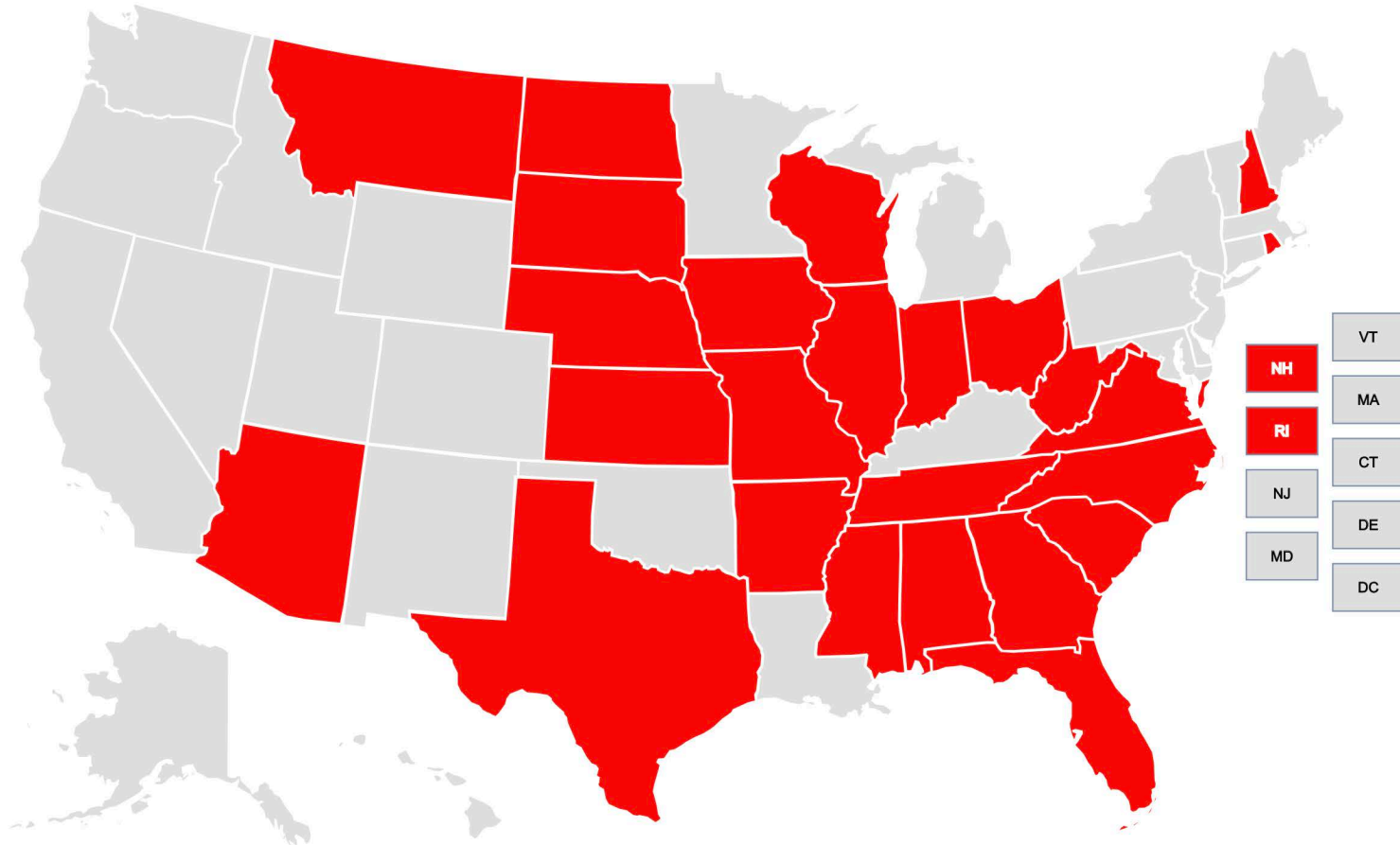


# Restrictive Voting Laws (2011-2018)

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## Restrictive Voting Laws (as of 2011 – 2018)

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, 25 states have put in place new restrictions since then — 14 states have more restrictive voter ID laws in place (and six states have strict photo ID requirements), 12 have laws making it harder for citizens to register, seven cut back on early voting opportunities, 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. (Texas also passed a new voter ID law, though its earlier strict voter ID law was partially in effect in 2016.) Georgia, Iowa, Indiana, and New Hampshire also enacted restrictions last year, in addition to laws that were on the books for previous elections.

In 2018, Arkansas, Indiana, Montana, New Hampshire, North Carolina, and Wisconsin have enacted new restrictions.

Review details of new restrictive voting requirements put in place over the last several years by state.

## Alabama

**New restriction(s) in place in the first time in 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 the first time in 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. And in 2018, as part of the [settlement](#) of a lawsuit, the state agreed to register applicants to vote in federal elections, without documentary proof of citizenship, regardless of whether the state or federal form was used.

## Arkansas

**New law enacted in 2018:** Arkansas voters enacted a constitutional amendment, via ballot initiative, that enshrined a photo ID requirement for voting in the state constitution.

**New law in place in 2018:** Requires that voters show one of a limited set of IDs.

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

**Background:** Passed in 2017 by a GOP-controlled state legislature.

\* 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.

## Florida

**Restriction(s) in place for the first time in 2012:** 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(s) in place for the first time in 2018:** 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 the first time in 2012:** 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 the first time in 2012:** 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.

## Indiana

**New restriction enacted in 2017 and 2018:** In 2017, the state enacted a law to implement a flawed voter purge process. The law provides for use of the error-prone Crosscheck Program to remove voters without the notice and waiting period required by the National Voter Registration Act. (The law was amended in 2018, but the state failed to fix the law’s failure to require notice to voters prior to

purging them as mandated by federal law.) Civil rights groups sued the Secretary of State over the law in August 2017, and a court entered a preliminary injunction against the state in June 2018, meaning the law is currently not in effect.

**New restriction(s) in place for the first time in 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.

## Iowa

**New law (partially) in place in 2018:** Iowa's governor signed a broad-based law that will require voter ID (starting after the 2018 election), 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.

In August 2018, the Iowa Supreme Court blocked parts of the law that made it more difficult to apply for an absentee ballot and also enjoined the state from advertising that voters will be asked for ID, without making clear that such ID is not required in 2018.

**Restriction(s) in place for the first time in 2012:** 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.

## Kansas

**Update since 2016:** In 2018, a federal district court struck down the state's documentary proof of citizenship law. That decision is on appeal.

**New restriction(s) in place for the first time in 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 the first time in 2012:** 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](#).

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 the first time in 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.

## Missouri

**New law (partially) in place in 2018:** Missouri passed a new law that requires photo ID in order to vote, but permits voters to vote a regular ballot by presenting non-photo ID and signing an affidavit indicating that they do not possess photo ID. The voter ID requirement was challenged in federal court and was altered in part in October 2018: the court prohibited the state from requiring otherwise-qualified voters that lacked photo ID to execute the affidavit required by statute in order to vote.

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

## Montana

**New law enacted in 2018:** Montana voters enacted a new law, via ballot initiative, that will prevent civic groups and individuals (with certain exceptions) from helping others vote absentee by collecting and delivering their voted ballots.

## Nebraska

**New restriction(s) in place for the first time in 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 laws (partially) in place in 2018:** In 2017, the state enacted a law that would make it more difficult for students and others to register to vote, but that law was partially enjoined prior to the 2018 election. In 2018, the state enacted another law that would make it more difficult for students and others to vote, but it takes effect in 2019.

**New restriction(s) in place for the first time in 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) to enact the voter ID law. The state previously required no form of ID to vote. Prior to September 2015, the law included an affidavit alternative.

## North Carolina

**New law enacted in 2018:** North Carolina voters enacted a constitutional amendment, via ballot initiative, that enshrined a photo ID requirement for voting in the state constitution. The state legislature subsequently enacted implementing legislation, over the governor's veto.

**New law (partially) in place in 2018:** In 2018, the state enacted a law that requires uniform hours at early voting sites. The law has had the effect of reducing the number of early voting locations available to voters. The law also cuts the last Saturday of early voting before the election, but that change will not take place until after the 2018 election.

The law was passed by a GOP-controlled legislature, which overrode a gubernatorial veto.

## North Dakota

**New law (partially) in place in 2018:** The state's governor signed a bill on April 25, 2017 that would restore a strict voter ID requirement in the state. That law was challenged in federal court, and it will be altered in part for the 2018 election. Specifically, the federal district court required the state to accept certain tribal identification not included in the law as voting ID.

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

**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 law slightly expands options to use for ID, but eliminates the process the court imposed, which allowed voters without IDs to cast a ballot that counts on Election Day, and instead included a more burdensome process.

## Ohio

**New restriction(s) in place for the first time in 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 the first time in 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 the first time in 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.

## South Dakota

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

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

## Tennessee

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

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

**Restriction(s) in place for the first time in 2012:** 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 in place since 2016 election:** Photo ID required if a voter has one, but an alternative will be available for those who present a non-photo ID from a preset list and execute an affidavit claiming to have certain, enumerated reasonable impediments to obtaining photo ID. Reasonable impediment alternative is more restrictive than the alternative in place in 2016.

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

**New restriction(s) in place for the first time in 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.

**Restriction(s) in place for the first time in 2012:** 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, in response to the litigation, Texas enacted a new voter ID law that is currently in place.

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 the first time in 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 was evenly divided among Democrats and Republicans when the photo ID law was enacted, but the GOP lieutenant governor cast the tie-breaking vote on the photo ID law. The state House was 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.

## West Virginia

**Restriction(s) in place for the first time in 2012:** 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.

## Wisconsin

**New restrictions enacted in 2018:** In 2018, the state enacted a law limiting the early voting period and codifying certain administrative practices related to voter IDs—despite a Court order halting the state’s 2011 and 2014 attempts to limit early voting.

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

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

**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 a restriction on individual voter registration and a law requiring photo ID to vote.

## 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.