



# STATE OF BLACK AMERICA<sup>®</sup>

Getting 2 Equal : *United Not Divided*



A NATIONAL URBAN LEAGUE PUBLICATION  
[www.stateofblackamerica.org](http://www.stateofblackamerica.org) | #Getting2Equal

**2019**



## ABOUT THE NATIONAL URBAN LEAGUE

The National Urban League is a historic civil rights and urban advocacy organization. Driven to secure economic self-reliance, parity, power and civil rights for our nation's marginalized populations, the National Urban League works towards economic empowerment and the elevation of the standard of living in historically underserved urban communities.

Founded in 1910, and headquartered in New York City, the National Urban League has improved the lives of more than 2 million people annually through direct service programs run by 90 local affiliates in 36 states and the District of Columbia. The National Urban League also conducts public policy research and advocacy work from its Washington, D.C. bureau.

The National Urban League is a BBB-accredited organization and has earned a 4-star rating from Charity Navigator, placing it in the top 10 percent of all U.S. charities for adhering to good governance, fiscal responsibility and other best practices.



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## ABOUT THE STATE OF BLACK AMERICA®

*The State of Black America® is the signature annual reporting of the National Urban League.*

Now in its 43rd edition, the *State of Black America* has become one of the most highly-anticipated benchmarks and sources for thought leadership around racial equality in America across economics, employment, education, health, housing, criminal justice and civic participation. Each edition contains thoughtful commentary and insightful analysis from leading figures and thought leaders in politics, the corporate and tech sectors, the nonprofit arena, academia and popular culture.

The 2019 *State of Black America, Getting 2 Equal: United Not Divided*, focuses on the state of the Black vote with an emphasis on its power—and heightened vulnerability to suppression.

Today, there is no denying that American democracy is under serious threat and sustained attack.

Our reporting takes a deeper dive into voter suppression's bold new frontier: social media. Through our partnership with The Alliance for Securing Democracy at the German Marshall Fund of the United States, we expose the massive, state-sponsored Russian operation to interfere in and influence the high stakes 2016 presidential election. Russian internet trolls were on a *seek, destroy and divide* mission, targeting African Americans with surgical precision on social media platforms and chipping away at our nation's exposed racial fault lines. Our research partners, the Brennan Center for Justice, generously provided the National Urban League with maps that lay out in alarming and full display where barriers to the ballot are being

feverishly erected and where civil rights groups, grassroots activists and men and women of good will are tearing down the walls of obstruction brick by brick.

It is impossible to untangle voting rights and the ability (or inability) to exercise political power from the history of race in America: a history that has advantaged some while perpetually disadvantaging others. Our authors explore the potential impact of the For the People Act, a House bill that expands access to the ballot box, reduces the influence of big money in politics and strengthens ethics rules; and the Voting Rights Advancement Act, designed to restore key provisions of the 1965 Voting Rights Act.

Our nation's pursuit of liberty, justice and economic empowerment *for all* hinges largely on the right to determine who will govern us and how. Because the right to vote is the price of full admission to participate in our democracy, the National Urban League will remain on the frontlines of the battle to protect your fundamental right to vote. From the testimonials of first-time voters to the platforms of presidential candidates, we explore the solemnity and significance of voting and its power to effect change at the local, state and national level.

To access the 2019 *State of Black America* suite of offerings—including author essays, data and expert analysis and a ready-for-download version of this executive summary—head to the *State of Black America* website.

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*Learn more and get more at*

**[www.stateofblackamerica.org](http://www.stateofblackamerica.org)**

### WHERE IS THE 2019 EQUALITY INDEX™?

Given the incremental rate of change to the areas measured by the Equality Index: economics, health, education, social justice and civic engagement, the National Urban League will publish the Equality Index every two years beginning with the 2020 Equality Index. You can find the Equality Index from 2011–2018 on the *State of Black America* website.

# FROM THE PRESIDENT'S DESK

BY MARC H. MORIAL

President & CEO, National Urban League

*Our rights are under attack by forces that are clever, sinister, diabolical, and intentional; and their allies run from the Supreme Court of the United States, to state legislatures all across the nation and around the globe, to allies inside the Russian Federation.*

According to some estimates, the Black voting rate matched or exceeded the white rate for the first time in American history in 2008, the first time a major party Black presidential candidate was on the ballot. Not coincidentally, a wave of racially-motivated voter suppression legislation swept the nation the year of the next federal election in 2010.

According to the Brennan Center, our partners in this report, state lawmakers in 2010 began introducing hundreds of voter suppression measures, from strict photo I.D. requirements to slashing early voting and throwing up roadblocks to registration.

The 2013 Supreme Court decision in *Shelby v. Holder* gutted a key provision of the Voting Rights Act which required federal approval for states with a history of discrimination to make any changes to voting laws. Because preclearance had achieved its goal of eliminating racial disparity in voting rates, Chief Justice John Roberts reasoned that it was no longer needed.

"Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet," Justice Ruth Bader Ginsburg wrote in her dissent.

*Shelby* was just one of several blows against democracy the Supreme Court has struck in recent years. When it struck down campaign finance reform laws in *Citizens United v. FCC* in 2010, it unleashed the power of these super PACs, where wealthy individuals could pour unlimited money into the American political process. And most recently, in *Husted v. A. Philip Randolph Institute*, the Court upheld the right of states to use aggressive purges to remove voters from registration rolls, a process that disproportionately affects communities of color.

Racism also was a powerful tool used by Russian and other hostile foreign hackers and troll farms to manipulate the 2016 presidential and 2018 midterm elections. A Russian-linked social media campaign called "Blacktivist" used Facebook and Twitter in an apparent attempt to amplify racial tensions during the U.S. presidential election. It used the integrity of the Black Lives Matter hashtag (#BlackLivesMatter) to carry out an insidious campaign of voter suppression.

Efforts to suppress the Black vote have coincided with a rapid diversification of the voting public. The projected 2020 electorate is 66.7 percent white...

Read President Morial's entire letter at

[www.stateofblackamerica.org](http://www.stateofblackamerica.org)

## POLICY RECOMMENDATIONS

- ★ Eliminate strict, discriminatory voter I.D. requirements
- ★ Allow automatic voter registration, online registration and same-day registration
- ★ Restore voting rights to citizens convicted of felonies as soon as their sentences are completed
- ★ Require paper verification of ballots in federal elections to prevent computer tampering
- ★ When necessary, conduct post-election audits to compare paper records to computerized results
- ★ Enact the Voting Rights Advancement Act, which restores the full enforcement protections of the Voting Rights Act of 1965
- ★ Eliminate voter roll purging based on failure to vote or failure to respond to mailed documents
- ★ Prohibit distribution of false information intended to dissuade people from voting
- ★ Grant statehood for the District of Columbia, giving residents in the nation's capital full voting rights
- ★ Create a national commission to identify and eliminate foreign interference in the American democratic process
- ★ Move the U.S. toward the popular election of presidents through states' participation in the National Popular Vote Interstate Compact, with the goal of eliminating the Electoral College

The right of  
African Americans  
to vote—our right  
to participate in  
the civic processes  
of this nation—  
quite simply is  
under attack.

—Marc H. Morial  
*President & CEO, National Urban League*



# The History of the Vote

Before the ink could dry on the Declaration of Independence, the right to vote was established as a privilege granted to the few. American history is littered with the stories of men, women and movements that fought to expand the voting franchise to all American citizens.

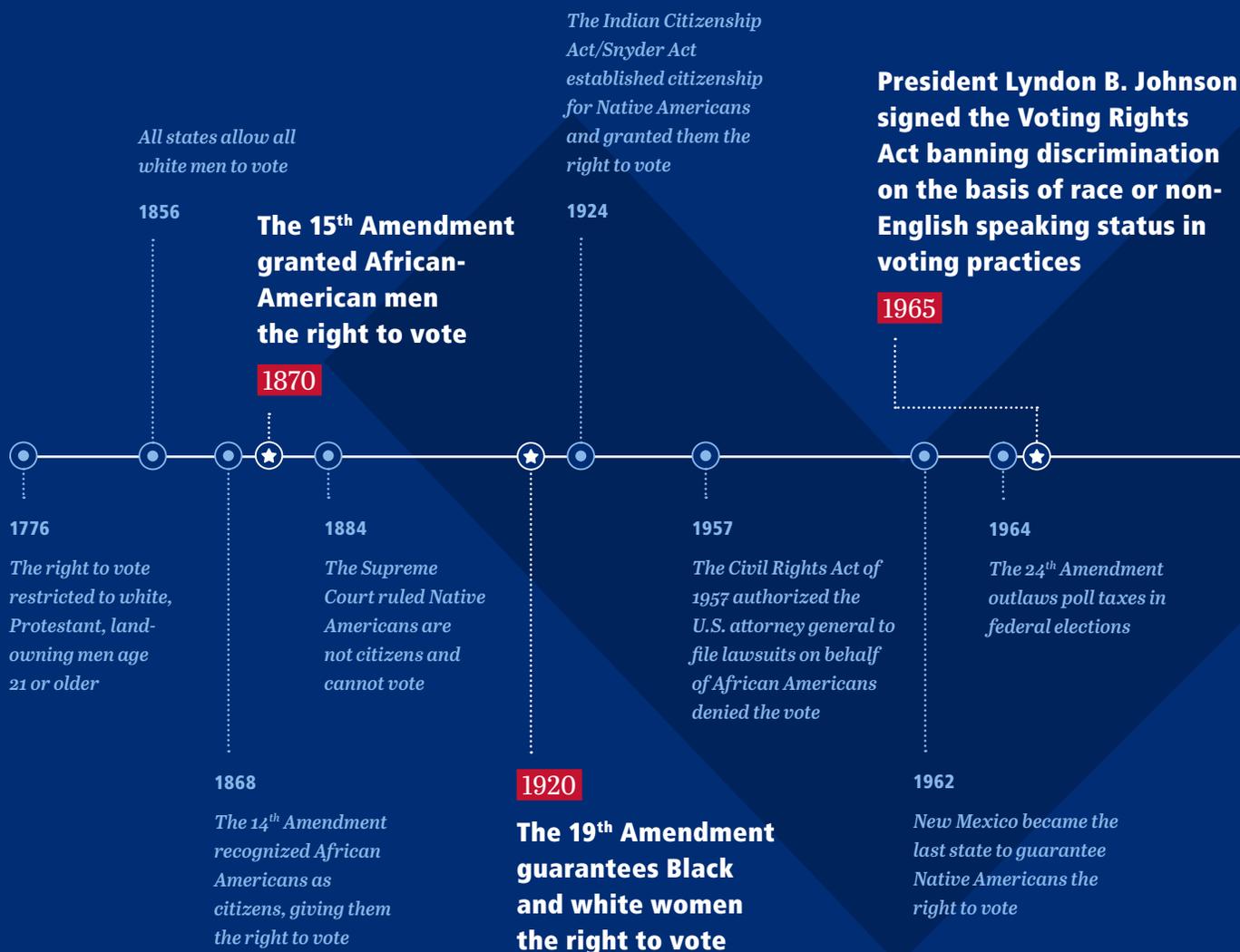




Photo: Marion S. Trikosko, August 1963







# Foreign Election Interference

**Your timeline is the new battleground for voter suppression. A sweeping Senate investigation found that before, during and after the 2016 presidential election, Russia's St. Petersburg-based troll factory, the [Internet Research Agency \(IRA\)](#), used social media to distract and divide American voters, demobilize the electorate and depress the vote.**

**Russian propagandists specifically targeted African Americans through a wide-reaching influence campaign. Their tactics included posing as legitimate activist groups, eroding trust in democratic institutions and spreading disinformation.**

## KEY TAKEAWAYS

- ★ The IRA and its employees began operations targeting the United States as early as 2014.<sup>4</sup>
- ★ The IRA started making [YouTube] videos in Sept 2015, producing **1107 VIDEOS ACROSS 17 CHANNELS**. A few channels were active until July 2017.<sup>1</sup>
- ★ By far the most content was related to Black Lives Matter & police brutality: **1063 VIDEOS SPLIT ACROSS 10 DIFFERENT CHANNELS** (59% of the channels, 96% of the content). 571 had title keywords related to the police and focused on abuses.<sup>1</sup>
- ★ The amount of original content produced by the IRA operation jumped to approximately **4,316 POSTS ON ELECTION DAY 2016**.<sup>1</sup>
- ★ **OVER 30 MILLION USERS**, between 2015 and 2017, shared the IRA's Facebook and Instagram posts with their friends and family, liking, reacting to, and commenting on them along the way.<sup>2</sup>
- ★ On February 16, 2018, a federal grand jury in the District of Columbia indicted 13 Russian nationals and three Russian entities, including the IRA, with violating U.S. criminal laws to interfere with U.S. elections and political processes.<sup>4</sup>



There were **109 FACEBOOK AND INSTAGRAM POSTS** devoted to creating and amplifying fears of voter fraud, all but one of which targeted Right-leaning audiences<sup>1</sup>



More than **11.4 MILLION AMERICAN USERS** were exposed to advertisements purchased on Facebook<sup>3</sup>



**Over 20 m**  
reached by IRA on

**f 470 IRA-created Facebook pages<sup>3</sup>**

**1,000+ videos posted to YouTube across 17 account channels<sup>1</sup>**

On Twitter, of the five most-retweeted IRA accounts, **FOUR FOCUSED ON TARGETING AFRICAN AMERICANS<sup>2</sup>**

**f There were 61,500 UNIQUE FACEBOOK POSTS across 81 PAGES<sup>1</sup>**

**f 126 million people reached by IRA on Facebook (estimated)<sup>1</sup>**

IRA activity increased significantly in the 6 months after the 2016 U.S. election, with **INSTAGRAM POSTS INCREASING BY 238%<sup>2</sup>**

**73 million engagements on original content on Twitter<sup>1</sup>**

There were approximately **109 TWITTER ACCOUNTS** masquerading as news organizations, including U.S. local news organizations<sup>1</sup>

**IRA posted 10.4 million tweets on Twitter across 3,841 Twitter accounts<sup>1</sup>**

**TOP 5 LIKED IRA-MANAGED FACEBOOK PAGES:** Being Patriotic, Stop A.I. (All Immigrants), Heart of Texas, Blacktivist and United Muslims of America<sup>2</sup>

**1 billion users on Instagram<sup>1</sup>**

**IRA posted 116,000 Instagram posts across 133 accounts<sup>1</sup>**

**44 U.S.-RELATED ACCOUNTS** amassed **660,335 FOLLOWERS** between them, with an average of **15,000 FOLLOWERS<sup>1</sup>**

There were **187 MILLION ENGAGEMENTS** on Instagram across an estimated **20 MILLION AFFECTED USERS<sup>1</sup>**

**f There were 76.5 MILLION ENGAGEMENTS on Facebook<sup>1</sup>**

**Sources**

- 1 New Knowledge report
- 2 Oxford/Graphika report
- 3 Permanent Select Committee on Intelligence
- 4. Mueller report

# Authors



## GETTING TO EQUAL

By Michael F. Neidorff,  
*Board Chair, National Urban League;  
Chairman & CEO, Centene Corporation*

**“This year’s report highlights the continuing need of American communities and cities to engage in and prioritize bipartisan solutions to persistent and emerging problems, especially in the areas of civil rights, social justice and inclusion. While these remain our country’s shared challenges, they also present our nation with transformative opportunities.”**

## ENGAGEMENT



### MID-STRIDE IN THE MARCH FOR JUSTICE AND EQUITY

By Mandela Barnes, *Lieutenant Governor, Wisconsin*



### ENOUGH IS ENOUGH. WE MUST VOTE!

By Ebony M. Baylor, *Director of Civic Engagement, National Urban League*



### A PUBLIC COMPANY FOR THE PUBLIC GOOD

By Anthony Foxx, *Chief Policy Officer and Senior Advisor to the President & CEO, Lyft*



### SETTING THE CAPTIVES FREE: WORKING TO GET TO EQUAL

By Reverend Alvin Herring,  
*Executive Director, Faith in Action*



### NEW VOTERS CLAIM A SEAT AT DEMOCRACY’S TABLE

By Sean Reed, *Civic Engagement Chair, Dallas-Fort Worth Urban League Young Professionals*



### FRANCHISE AND THE GROWING INFLUENCE OF THE ASHLEY STEWART WOMAN

By James Rhee, *Chairman & CEO, Ashley Stewart*



**BLACK JOY, BLACK POWER, BLACK VOTES**

By Rashad Robinson, *President, Color Of Change*



**THE BLACK COUNT MATTERS: WHY WE MUST BE COUNTED IN THE 2020 CENSUS**

By Jeri Green, *2020 Census Senior Advisor, National Urban League*



**THE 2016 BOUNCE BACK: INCREASING LOCAL ELECTION ENGAGEMENT FOR NATIONWIDE CHANGE**

By Christine M. Slaughter, *Civic Engagement and Political Awareness Chair, Los Angeles Urban League Young Professionals*



**COUNTED AS CAST: SECURING AND PROTECTING THE VOTE FOR ALL AMERICANS**

By Congresswoman Nancy Pelosi, *Speaker, House of Representatives; California—12th Congressional District*



**CREATING AN EQUITABLE DEMOCRACY THROUGH LEADERSHIP AND SOLIDARITY**

By La June Montgomery Tabron, *President & CEO, W.K. Kellogg Foundation*



**PROTECTING CIVIL RIGHTS ON FACEBOOK DURING ELECTIONS**

By Sheryl Sandberg, *Chief Operating Officer, Facebook*



**WHERE MY VOTERS AT?: MEETING YOUNG VOTERS AT THE INTERSECTION OF ADVERSITY AND ACTION**

By Reverend Lennox Yearwood Jr., *President & CEO, Hip Hop Caucus*



**LOSING THE MILLENNIAL VOTE IN THREE INCONVENIENT TRUTHS**

By Antonesia "Toni" Wiley, *Director of Advocacy, National Urban League*

**SOLUTIONS**



**ELECTION PROTECTION: SAFEGUARDING THE VOTE TO DEFEND ALL RIGHTS**

By Congresswoman Karen Bass, *Chairwoman, Congressional Black Caucus; California—37th Congressional District*



**THE HIGH COST OF NOT VOTING: VOTER SUPPRESSION AND THE RACIAL INCOME GAP**

By Dr. Kristen E. Broady, *Visiting Professor of Economics, Alabama A&M University*



**UNITED NOT DIVIDED: COMBATING ATTEMPTS TO SUPPRESS THE AFRICAN-AMERICAN AND DISABLED VOTE**

By Michelle Bishop, *MSW, Voting Rights Specialist, National Disability Rights Network*



**A ROADMAP TO THE 2019 RACIAL JUSTICE AND DEMOCRACY AGENDA**

By Kristen Clarke, *President & Executive Director, Lawyers' Committee for Civil Rights Under Law*



**HOME IS WHERE THE VOTE IS: PRISON GERRYMANDERING DENIES URBAN COMMUNITIES FAIR REPRESENTATION**

By Congressman Wm. Lacy Clay, *Chairman, House Financial Services Subcommittee on Housing, Community Development & Insurance; Missouri—1st Congressional District*



**DISPLACED AND REPLACED: GENTRIFICATION IS THE 21ST CENTURY "NEGRO REMOVAL" PROGRAM**

By Dr. Ron Daniels, *President, Institute of the Black World 21st Century*

**SUPPRESSION**



### COUNTERING AUTHORITARIAN INTERFERENCE IN DEMOCRACIES

By Dr. Silas Lee, *Professor of Sociology, Xavier University of Louisiana; President, Dr. Silas Lee & Associates*



### VOTING RIGHTS AND VOTER SUPPRESSION: THE LATINO EXPERIENCE

By Janet Murguía, *President & CEO, UnidosUS*



### RACE, LIES AND SOCIAL MEDIA: HOW RUSSIA MANIPULATED RACE IN AMERICA AND INTERFERED IN THE 2016 ELECTIONS

By Bret Schafer, *Social Media Analyst & Communications Officer, Alliance for Securing Democracy*

## I VOTED!



### VOTING FOR THOSE WHO CAN'T: A NEW CITIZEN'S FIRST VOTE

By Deisy Cisneros Aranda  
✓ *Painesville, Ohio*



### WIN OR LOSE: THE IMPORTANCE OF VOTING FROM A FIRST TIME VOTER

By Nina Michelle Sims  
✓ *Cleveland Heights, Ohio*



### HE VOTADO: THE STORY OF A FIRST-TIME LATINA VOTER

By Monica B. Villa  
✓ *Annaville, Pennsylvania*

## VOTE 2020



### INVEST IN OUR STUDENTS AND OUR SCHOOLS: VOTE FOR PUBLIC EDUCATION

By Becky Pringle, *Vice President, National Education Association*



### BY THE NUMBERS: BLACK WOMEN BECOME A KEY VOTING BLOC AND A PATH TO VICTORY

By Melanie L. Campbell, *President & CEO, National Coalition on Black Civic Participation; Convener, Black Women's Roundtable*



Holli L. Holliday, *Chief Strategist, Holliday Advisors, LLC; Senior Political & Data Advisor, National Coalition on Black Civic Participation*



### TO BE IN THAT NUMBER: BLACK AMERICA AND THE 2020 CENSUS

By Mayor LaToya Cantrell, *City of New Orleans*



### PROTECTING THE MOST FUNDAMENTAL RIGHT WE HAVE: THE RIGHT TO VOTE

By Reverend Dr. Al Sharpton, *Founder & President, National Action Network*



### TRANSFORMING AMERICA: A ROADMAP FOR THE FUTURE

By U.S. Senator Elizabeth Warren, *Massachusetts*

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Urban League

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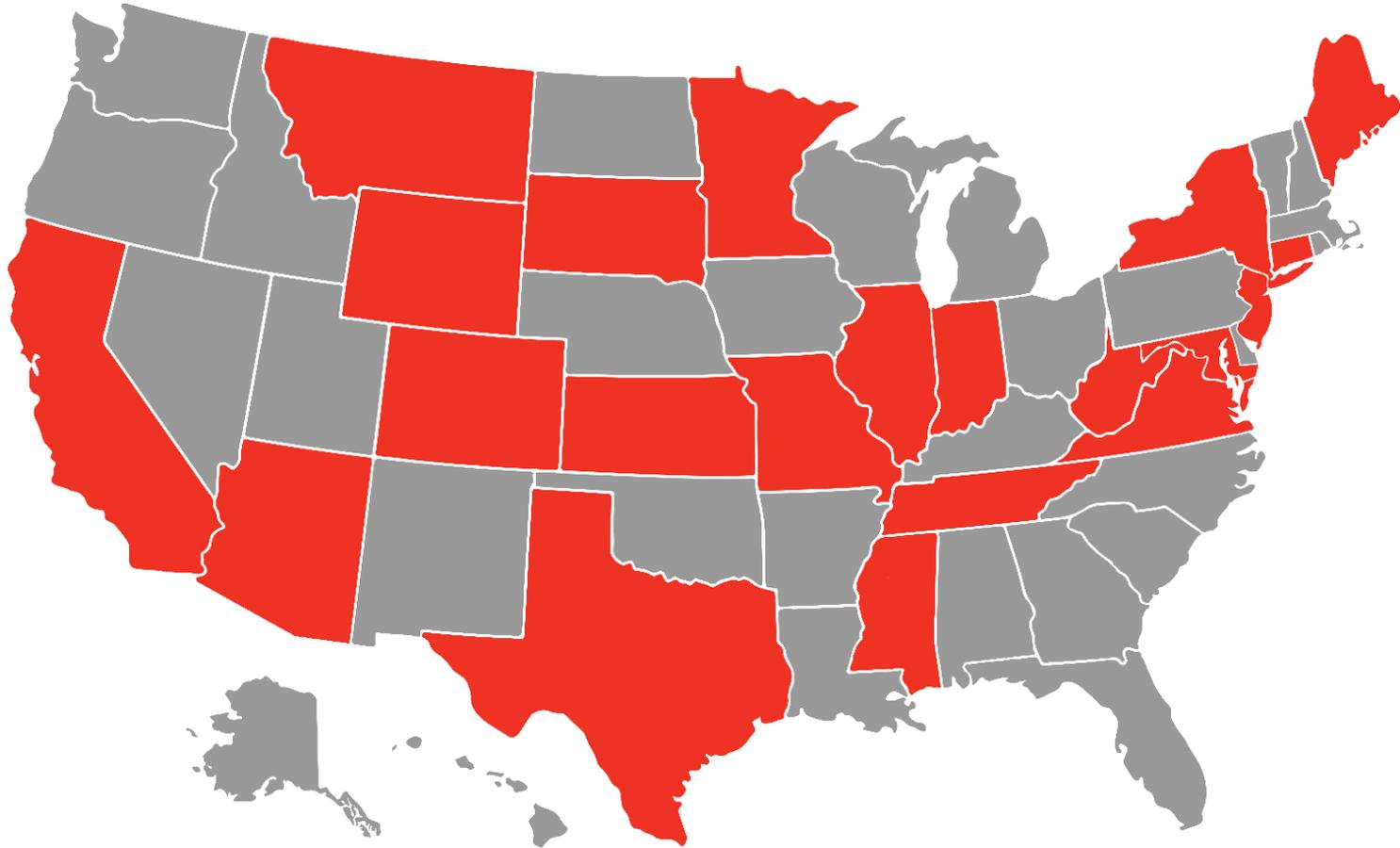
**Support the work of the National Urban League as we continue to advance policies and programs to empower African-American and other urban communities.**

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# Restrictive Bills Introduced or Carried Over (March 12, 2019)

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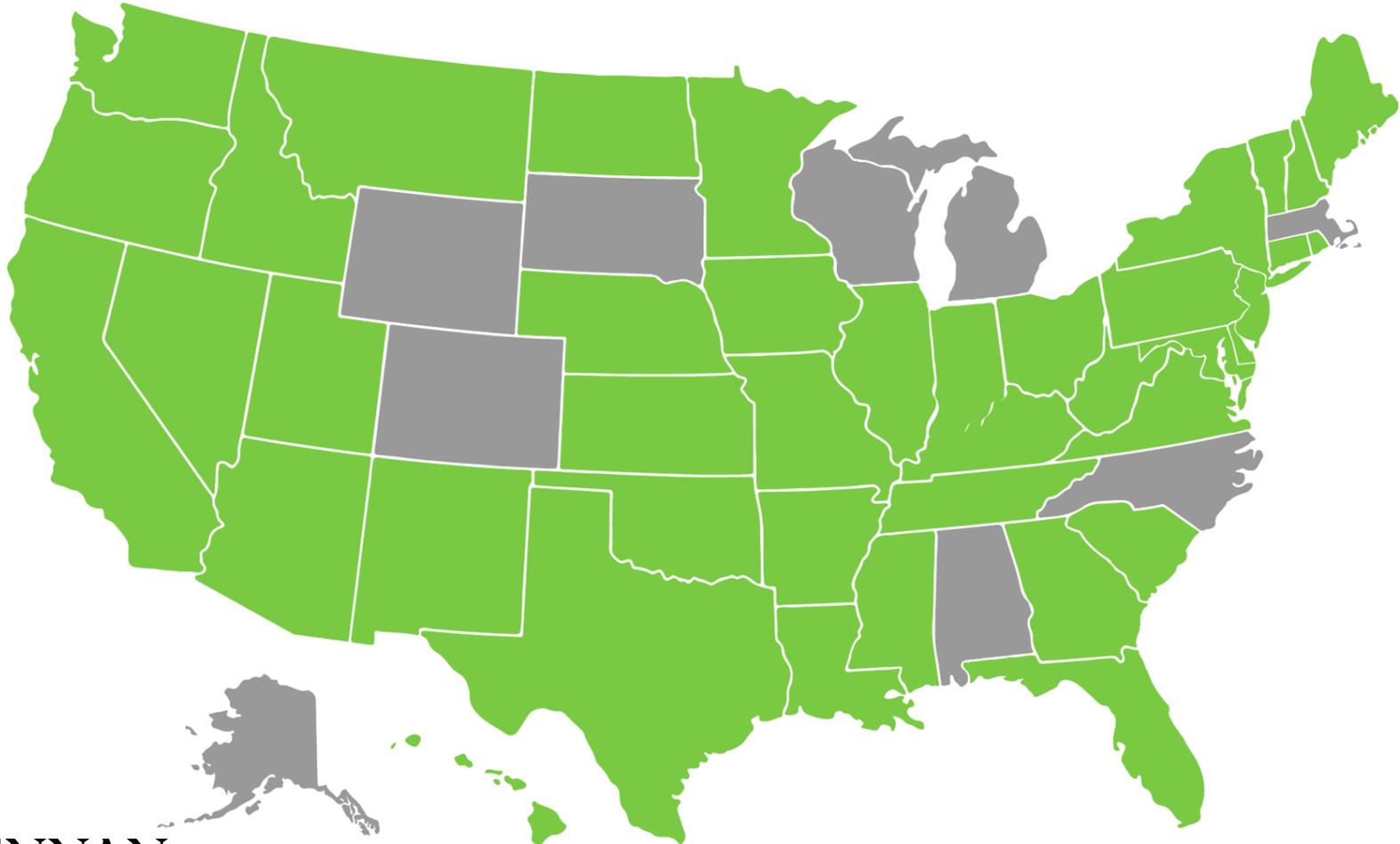


## Restrictive Bills (as of March 2019)

- Six states are moving restrictive bills through their legislative process.
  - The **Arizona** Senate passed bills restricting the use of emergency voting centers (SB 1090) and adding voter ID restrictions for early voting (SB 1072). The legislature has passed both bills and Governor Ducey has signed them into law.
  - The **Florida** Senate committee held a hearing on a bill that shortened the absentee ballot application deadline (SB 7066). Note, though, that this bill would also *expand* certain protections for absentee and provisional voters.
  - The **Indiana** House passed a bill shortening the absentee ballot application deadline for certain applicants (HB 1311).
  - A **Kansas** House committee passed a bill that would prevent third parties from assisting voters in casting absentee ballots (HB 2176).
  - A **Texas** House committee scheduled a hearing on a bill that would reduce minimum early voting hours at temporary branch polling places (HB 1888).
  - The **Virginia** legislature passed a bill establishing an exact-match voter registration policy similar to Georgia's (SB 1038).

# Expansive Bills Introduced or Carried Over (March 12, 2019)

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## Expansive Bills (as of March 2019)

- **New York:** After years of maintaining a broken election system, New York has enacted significant pro-voter reforms.
  - The state established **early voting** (SB 1102), **pre-registration** for 16- and 17-year-olds (AB 774), and **portability** of registration records (AB 775). It also consolidated the dates for state and federal primaries and required ballots to be distributed to military voters farther in advance of elections (AB 779).
  - The Legislature also passed constitutional amendments to permit same-day registration (SB 1048) and no-excuse absentee voting (SB 1049), which will need to be passed again and then ratified by the voters.
  - And there is a major push underway to pass automatic voter registration (“AVR”).
- **Virginia:** Governor Northam signed a bill adding protections for absentee voters (HB 1790). And the legislature has sent Governor Northam two additional expansive bills for his signature. These bills establish **no-excuse early in-person voting** (SB 1026/HB 2790) and require notification to applicants whose voter registration applications are rejected (HB 1042).
- Looking across the country, as in recent years, bills expanding access to early and absentee voting, modernizing the voter registration process, and restoring voting rights to people who have lost them due to a felony conviction remain popular.
  - **Early and Absentee Voting.** Thirty-one states have introduced 169 bills expanding access to early and absentee voting. Fourteen states have at least held or scheduled a hearing on 24 of these bills.
  - **Automatic Voter Registration.** Twenty-six states have introduced 66 bills establishing or expanding automatic voter registration. Seven states have at least held or scheduled a hearing on eight of these bills.
  - **Same Day Registration.** Twenty-two states have introduced 57 bills establishing or expanding access to same-day registration. Five states have at least held or scheduled a hearing on eleven of these bills.
  - **Rights Restoration.** Twenty states have introduced 88 bills that would restore voting rights to people with a felony conviction or significantly improve the registration process for these voters. (Note, though, that Mississippi lawmakers introduced 25 of these bills and all of them have failed.) Ten states have at least held or scheduled a hearing on 16 of these bills.
- Overall, 28 states are moving expansive bills through their legislative process – holding at least a hearing on the bill. See below for the full listing.

Expansive Bills – Moving

AZ	SB 1054	Notice and opportunity to cure absentee ballot signature discrepancy	Passed Senate and House committee
AR	HB 1522	Extend absentee voting opportunities to Arkansas National Guard while on active state duty	Passed House and Senate committee
CT	HB 5844	Designate housing agencies as voter registration agencies	Passed committee
	SB 25	Restore voting rights to people on parole	Held hearing
	HB 7213	Restore voting rights to people on parole	Held hearing
	SB 53	Restore voting rights to people who are incarcerated	Held hearing
	SB 266	Require polling places at institutions of higher education	Held hearing
	HB 5818	Permit applicants in line for election day registration before polls close to register and vote	Held hearing
	HB 6045	Permit applicants in line for election day registration before polls close to register and vote	Held hearing
	SB 156	Ease absentee ballot application process	Held hearing
	SB 915	Ease absentee ballot application process	Held hearing
	HJR 161	Constitutional amendment to permit no-excuse absentee voting	Scheduled hearing
	SJR 27	Constitutional amendment to permit no-excuse absentee voting	Scheduled hearing
	SB 1046	Election day registration application processing at polling places	Scheduled hearing
	HB 6059	Permits registrars to apply to provide additional election day registration locations	Scheduled hearing
FL	SB 7066	Establish a cure process for provisional and absentee ballots. (Note, though, that this bill also tightens the absentee ballot application deadline.)	Held hearing
GA	HB 316	Omnibus bill, including improvements to “no match, no vote” policy, voter purges, absentee voting, provisional voting, voting for people with disabilities. <sup>1</sup>	Passed House
HI	HB 168	Permit voters with special needs to receive unvoted ballots by electronically	Passed House
	SB 412	Establish AVR	Passed Senate
	HB 1217	Establish AVR	Passed committee

	HB 1485	Automatic pre-registration of high school students	Passed House
	SB 1503	Permit incarcerated Hawaiians to vote	Passed committee
IA	HSB 68	Constitutional amendment to permit restoration of voting rights on completion of sentence	Passed committee
	SSB 1046	Constitutional amendment to permit restoration of voting rights on completion of sentence	Passed sub-committee
IN	HB 1643	Designate additional voter registration agencies pursuant to NVRA	Passed committee
KS	SB 130	Opportunity to cure absentee ballot deficiencies	Passed Senate
	SB 129	Permit voters to vote at any polling place within county	Passed committee
	SB 43	Establish same day registration	Held hearing
	HB 2092	Establish same day registration	Held hearing
MD	HB 286	Establish election day registration (implementing constitutional amendment passed in November 2018)	Passed House
	HB 237	Extend hours at early vote centers	Passed House
	HB 79	Increase number of early vote centers	Passed committee
	SB 449	Establish election day registration	Passed committee
	HB 747	Expand AVR to additional state agencies	Held hearing
	HB 423	Establish high schools as voter registration agencies	Held hearing
	HB 934	Establish high schools as voter registration agencies	Held hearing
	HB 784	Combat deceptive voting practices	Held hearing
	HB 382	Allow voters to access absentee ballot status	Held hearing
	HB 565	Ensure equal access for voters with disabilities	Held hearing
SB 363	Ensure equal access for voters with disabilities	Held hearing	
MN	HF 45	Establish AVR	Passed committee
	HF 40	Restore voting rights on release from incarceration	Passed committee
	HF 94	Remove restrictions on number of voters who cannot read English or are physically unable to mark a ballot a person can assist	Passed committee
MO	HB 508	Restore voting rights on release from incarceration	Held hearing
	HB 368	Establish no-excuse absentee voting and improve voter ID law	Held hearing

	HB 202	Permits voters over 60 to vote absentee without an excuse	Held hearing
MT	HB 536	Establish AVR	Passed House
	SB 291	Improve access for voters with disabilities	Passed Senate
	SB 148	Ease process for people who register late to cast a ballot	Passed Senate
NE	SB 711	Repeal provisions stripping voting rights from people convicted of a felony	Scheduled hearing
	SB 83	Restore voting rights on completion of sentence (including probation and parole)	Scheduled hearing
	LB 687	Establish AVR	Scheduled hearing
	LB 718	Extend hours for early voting in populous counties	Scheduled hearing
	LB 733	Improve access for voters with disabilities	Scheduled hearing
NH	HB 105	Repeal restrictions impacting student voters	Passed House
	HB 106	Repeal restrictions impacting student voters	Passed House
	HB 611	Amend constitution to permit no-excuse absentee voting	Passed House
	HB 531	Ease absentee voting for residents of nursing homes and assisted living facilities	Passed committee
	SB 7	Establish AVR	Passed committee
NJ	SB 589	Establish online voter registration	Passed Senate <sup>ii</sup>
	SB 2100	Repeal provisions stripping voting rights from people convicted of a felony	Passed committee
	SB 1603	Provide voter registration assistance to people completing criminal sentences	Passed committee
NM	HB 84	Establish AVR	Passed House
	HB 86	Establish same day registration	Passed House
	HB 57	Repeal provisions stripping voting rights from people convicted of a felony	Passed committee
	SB 672	Establish same day registration during early voting	Passed committee
NY	SB 1102	Establish early in-person voting	Enacted
	AB 774	Establish pre-registration for 16- and 17-year-olds	Enacted
	AB 775	Voter registration portability	Enacted
	AB 779	Consolidate primaries and distribute absentee ballots to military voters earlier	Enacted
	SB 1048	Constitutional amendment to permit same day registration	Passed both houses

	SB 1049	Constitutional amendment to permit no-excuse absentee voting	Passed both houses
ND	SB 2307	Minimum polling place hours	Passed Senate
OK	SB 496	Pre-registration for 17-and-a-half year-olds	Passed Senate
	SB 58	Employers must give employees two hours off to vote during early voting	Passed Senate
OR	SB 224	Eliminate failure-to-vote as trigger for placing voter in inactive status and permit military voters to request ballot using email or fax	Held hearing
TN	SB 589	Restore voting rights to people convicted of certain crimes on completion of sentence (including parole and probation)	Scheduled hearing
TX	HB 281	Establish online voter registration	Held hearing
UT	SB 61	Authorize extension of early voting hours	Passed both houses
VA	SB 1026/HB 2790	Establish early in-person voting	Passed both houses
	HB 1790	Permits absentee ballot applicant to cast ballot if in line when registrar's office closes	Enacted
	HB 1042	Notification to applicants whose registration applications are rejected	Passed both houses
WA	SB 5079	Native American voting rights act	Passed both houses
	SB 5076	Restore voting rights on release from incarceration and eliminate court power to revoke rights restoration for failure to pay legal financial obligations	Passed committee
	HB 1924	Restore voting rights on release from incarceration and eliminate court power to revoke rights restoration for failure to pay legal financial obligations	Passed committee
WV	HB 2362	Expand absentee voting qualifications	Passed both houses

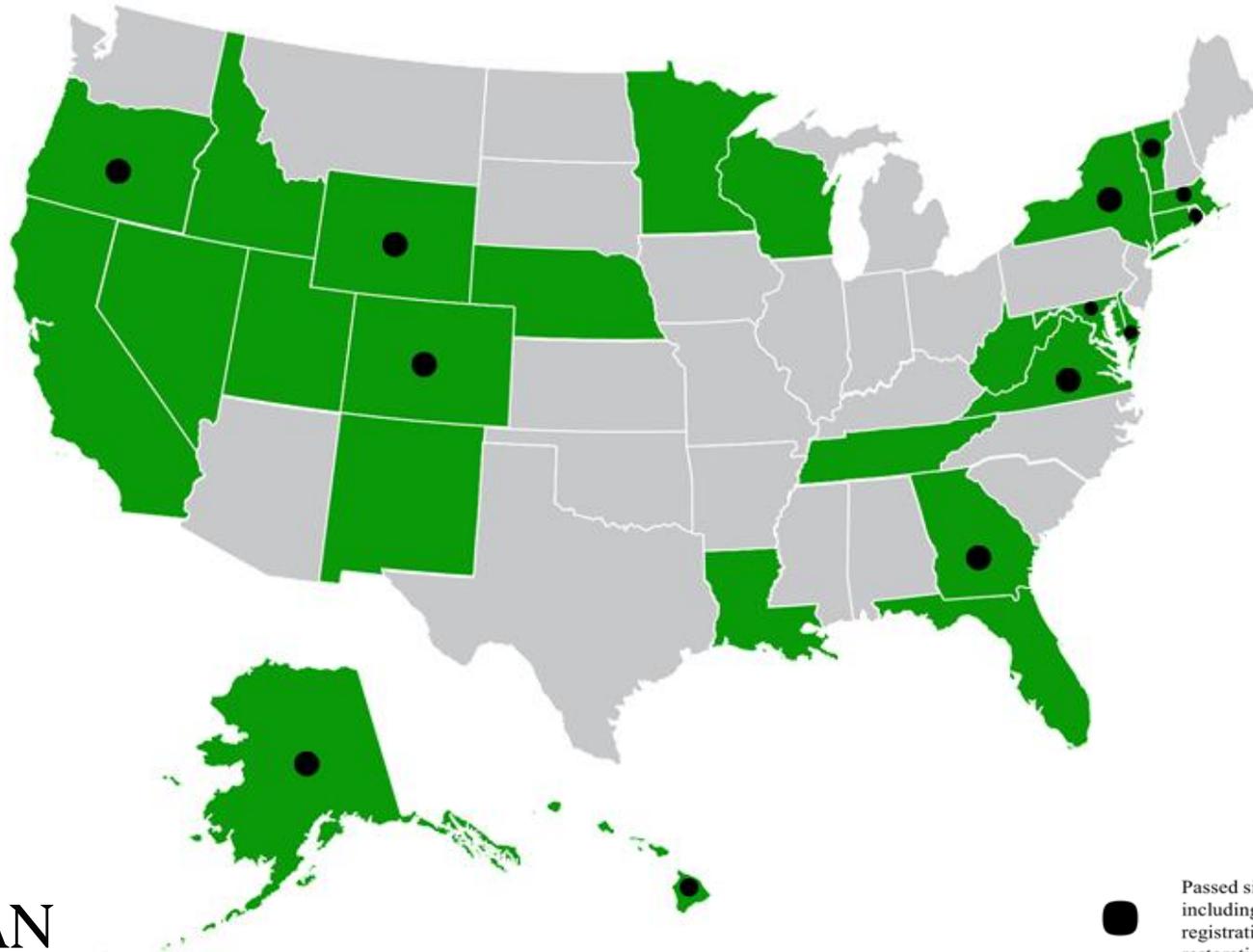
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<sup>i</sup> The Georgia bill is the subject of a highly contentious fight. It does not require the use of hand-marked paper ballots and critics are concerned that it would result in the state purchasing voting systems that only use ballot-marking devices.

<sup>ii</sup> New Jersey is one of two state that carries over bills from even to odd years. The online voter registration bill passed the Senate last year, but has languished in an Assembly committee since then.

# Major Expansions to Voting Access (2013-June 2018)

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● Passed significant voting reforms, including AVR, election-day registration, early voting, and rights restoration.

## Major Expansions to Voting Access (as of 2013 – June 2018)

While many states have moved to restrict their citizens' access to the ballot in the past decade, others have expanded access to their voting process. These recent pro-voter victories formed an important part of the overall voting landscape going into 2018. Most significantly, new automatic voter registration (AVR) systems will be in place in seven states and the District of Columbia, five of them for the first time.

### **New Laws in Place**

- Five states — Alaska, California, Colorado, Rhode Island, and Vermont — and the District of Columbia will have automatic voter registration (AVR) in place for the first time in the lead-up to a federal election. In total, seven states and the District of Columbia will have up-and-running AVR systems prior to the 2018 elections, including Georgia and Oregon, which implemented AVR in advance of the 2016 elections. (Two additional states are scheduled to, but may not have, AVR in place by the 2018 elections, and three states will not implement the reform until after the election.) AVR is transformative, yet simple: When eligible citizens visit a government office, such as a state's department of motor vehicles, they are automatically registered to vote unless they decline.
- Three more states have enacted AVR laws: Maryland, New Jersey, and Washington. That brings the total number of states that have adopted AVR to 12 plus the District of Columbia.
- AVR could significantly increase the number of people who register and vote in these states this November. In Oregon, which adopted AVR in 2016, the rate of new registrations at the department of motor vehicles quadrupled, and the overall registration rate jumped by nearly 10 percent after it was implemented. Many of these new registrants turned out to vote. While Oregon had no competitive statewide races, its voter turnout increased by 4 percent in 2016, which was 2.5 percentage points higher than the national average.
- AVR is a rare voting reform to have garnered broad bipartisan support. For example, West Virginia's largely Republican Legislature passed an AVR bill, and its Democratic governor signed it into law; conversely, Illinois's Democratic-majority Legislature passed AVR with unanimous support, and its Republican governor signed it into law. Alaskans passed AVR via ballot initiative with nearly 65 percent of the vote in 2016, the same year they gave Donald Trump a 15-point victory over Hillary Clinton.
- Also, thousands of New Yorkers who had previously lost their voting rights because of a criminal conviction could newly be eligible to vote as a result of an executive order that Gov. Andrew Cuomo issued in April, indicating he will restore voting rights to certain New Yorkers on parole. As of May 2018, approximately 24,000 New Yorkers have had their voting rights restored, and there are plans to restore voting rights on a monthly basis going forward.
  - In Louisiana, Gov. John Bel Edwards recently signed a law restoring voting rights to individuals on probation and parole if they have been out of prison at least 5 years. According to state officials, this reform could enfranchise roughly 2,000 citizens of Louisiana, but it will not take effect until 2019.
  - Since the 2016 elections, three other states have also expanded the right to vote for the formerly incarcerated. In Virginia, right before the last election, voting rights were restored with great fanfare to more than 61,000 citizens, but not until after the voter

registration deadline had passed for the 2016 election. This will be the first federal election in which those citizens can vote. In Alabama, the Legislature passed clarifying legislation that had the effect of reducing the number of crimes for which citizens can be disenfranchised. And in Nevada, the governor signed a law restoring voting rights to those who committed certain crimes and previously would have been permanently disenfranchised; that law will not go into effect until January 2019.

- Florida is seriously considering a significant reform that could add to that total. Its citizens, as explained below, have collected enough signatures to qualify a referendum for the ballot that would end the state's lifetime ban on voting for individuals with criminal convictions. This reform will not affect the composition of the electorate in November.
- More broadly, compared to the 2016 election, at least 16 states will have implemented significant new laws that will make it easier to register or vote this year. This count includes states that passed laws before November 2016 but did not put them into effect for the 2016 election. (Since we started tracking legislation expanding voting access in 2013, 25 states and the District of Columbia have implemented significant reforms expanding access, and four states have eased their ID requirements for voting or registration.) In addition to the AVR and rights restoration laws discussed above, these reforms include same-day and election-day registration, online voter registration, and expanded early voting opportunities. On-line registration is among the most common reforms implemented in the past two years — five states implemented online registration, bringing the total number of states with online registration to 37 plus the District of Columbia (Oklahoma has enacted online registration, but does not expect to implement it until 2020.) This reform, which was a major innovation last decade and early into this one, is now the norm. Beyond the states that have implemented reforms, other states, like Washington, have enacted pro-voter reforms that will not be in effect this year.



## Ongoing Litigation (as of March 2019)

- The Brennan Center for Justice is monitoring significant voting rights lawsuits to restrictive voting practices in the following states:

### **ALABAMA**

- [Greater Birmingham Ministries v. Merrill](#) (N.D. Ala., No 2:15-cv-02193; 11th Cir., No. 18-10151)
  - In December 2015, Greater Birmingham Ministries and the Alabama NAACP filed suit challenging Alabama’s voter ID law, which requires voters to present a photo ID to vote, but allows election officials to vouch for the identity of a voter without ID. They argue that the state’s photo ID law has a disproportionate impact on minority voters in violation of the Voting Rights Act and the U.S. Constitution.
  - In January 2018, a federal district court granted the defendant’s motion for summary judgment and dismissed the case. The plaintiffs appealed to the Eleventh Circuit, which heard oral argument on July 27, 2018. The parties are awaiting a decision.
- [League of Women Voters v. Newby](#) (D.D.C, No. 1:16-cv-00236; D.C. Cir. No. 16-5196)
  - *See Georgia below.*
- [Thompson v. Alabama](#) (M.D. Ala., No. 2:16-cv-00783)
  - In September 2016, Greater Birmingham Ministries and individuals who were disenfranchised as a result of a felony conviction in their past brought a lawsuit challenging the state’s disenfranchisement process. The plaintiffs argue that the state’s disenfranchisement of individuals convicted of a “felony involving moral turpitude” and its conditioning of restoration of the right to vote on full payment of all fines, court costs, fees, and restitution violate the U.S. Constitution and section 2 of the Voting Rights Act.
  - In May 2017, the Alabama Legislature passed a law defining crimes of moral turpitude, which addressed part of the plaintiffs’ complaint. In an opinion issued in December 2017, a federal district court granted in part and denied in part the state’s motion to dismiss the complaint. The court permitted the plaintiffs to proceed on their claims that the “moral turpitude” provision of the Alabama Constitution violates the Eighth, Fourteenth, and Fifteenth Amendments and the Ex Post Facto clause of the U.S. Constitution, and that the fees and fines provision of state law violates the Fourteenth Amendment. The case is proceeding in the district court.

### **ARIZONA**

- [Navajo Nation v. Hobbs](#) (D. Ariz. No. 3:18-cv-08329)

- On November 18, 2018, the Navajo Nation and tribal members filed a complaint against the Secretary of State and elections officials in three counties, alleging that the defendants' failure to provide sufficient language assistance, in-person early voting locations, or voter registration locations on the Navajo Indian Reservation resulted in more than one hundred absentee ballots cast by tribal members being rejected in the 2018 election and will continue to have a discriminatory impact on tribal members' voting rights. The plaintiffs argue that the defendants' failure to provide adequate resources violates the equal protection clause of the Fourteenth Amendment, section 2 of the Voting Rights Act, the First Amendment's protection of political association, and the Arizona state constitution.
    - On December 24, 2018, the parties filed a joint motion for a temporary stay of 120 days to facilitate settlement negotiations, and on January 2, 2019, the court entered the stay.
- *Democratic National Committee v. Reagan* (9th Cir. No. 18-15845; D. Ariz. No. 2:16-cv-01065)
  - In April 2016, the Democratic National Committee, the Democratic Senatorial Campaign Committee, and the Arizona Democratic Party (with others) filed a challenge to Arizona's policy of not counting provisional ballots cast in the wrong precinct and to HB 2023, a 2016 law that criminalized third-party collection of completed absentee ballots. The plaintiffs claimed that these policies violate section 2 of the Voting Rights Act and the First and Fourteenth Amendments to the U.S. Constitution, and that HB 2023 also violates the Fifteenth Amendment.
  - The plaintiffs filed motions for preliminary injunction against these policies, which were the subject of extensive skirmishing in the district court, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court. Ultimately, these policies were permitted to stand for the 2016 election.
  - The litigation continued in the district court. In May 2018, following a ten-day bench trial, the court ruled in favor of the defendants on all of the plaintiffs' claims.
  - The plaintiffs appealed. On September 18, 2018, a Ninth Circuit panel affirmed the district court in a 2-1 decision. The plaintiffs petitioned for the Ninth Circuit to hear the case *en banc*, however, and on January 2, 2019, the petition was granted. Oral argument is currently scheduled for March 27, 2019.

## FLORIDA

- *League of Women Voters of Florida v. Lee* (N.D. Fl., No. 4:18-cv-00251)
  - In May 2018, the League of Women Voters, the Andrew Goodman Foundation, and several students filed a lawsuit challenging the Secretary of State's determination that early voting sites could not be located on state university campuses.

- On July 24, 2018, a federal district court issued a preliminary injunction, striking down the Secretary's determination, and holding that it was intentionally discriminatory on account of age, in violation of the 26th Amendment. The decision restored discretion to election supervisors to designate early voting sites on campuses, and on July 21, 2018, the Secretary issued a directive to election supervisors in accord with the decision. In August 2018, the court stayed further proceedings in the case until after the November midterms.
    - On January 21, 2019, the court directed the parties to file briefs explaining whether or not the Secretary's July 27 directive mooted the case. On February 22, 2019, the plaintiffs filed a motion for summary judgment to convert the preliminary injunction to a permanent injunction. Both of these issues are now fully briefed and pending before the court.
- [\*Hand v. Scott\*](#) (N.D. Fl., No. 4:17-cv-00128; 11th Cir., No. 18-11388)
  - In March 2017, the Fair Elections Legal Network and Cohen Milstein Sellers & Toll PLLC filed a class action complaint on behalf of individuals who were disenfranchised as a result of felony convictions in their past. The plaintiffs argue that the unfettered discretion given to Florida's Executive Clemency Board to determine whether or not to restore individuals' voting rights violated the U.S. Constitution.
  - In February 2018, a federal district court ruled that the Clemency Board's unfettered discretion violates both the First and Fourteenth Amendments of the U.S. Constitution. In March 2018, the court ordered the defendants to create a new voting rights restoration process.
  - The state appealed to the Eleventh Circuit and requested a stay of the district court's order, pending resolution of the appeal. On April 25, 2018, the Eleventh Circuit granted the request and halted the district court's order. Oral argument on the merits appeal was held on July 25, 2018.
  - On November 20, 2018, the Court of Appeals directed the parties to brief whether the passage of [Amendment 4](#) mooted the case, and the parties have filed supplemental briefs in response.

## GEORGIA

- [\*League of Women Voters v. Newby\*](#) (D.D.C, No. 1:16-cv-00236; D.C. Cir. No. 16-5196)
  - In February 2016, the Brennan Center, Stroock & Stroock & Lavan LLP, and Kirkland & Ellis LLP filed suit on behalf of the League of Women Voters and state affiliates. The suit challenges letters sent by Election Assistance Commission ("EAC") Executive Director Brian Newby in January 2016 to the secretaries of state of Alabama, Georgia, and Kansas. Without explanation, he allowed the three states to require that applicants using the federal voter registration form provide documentary proof of citizenship.

- The suit asserts that Newby lacked the authority to make this decision, and that issuing the letters violated both EAC policy and federal law. On June 29, 2016, the district court ruled that Alabama, Georgia, and Kansas could implement their proof of citizenship requirements for the 2016 election. The plaintiffs appealed this decision to the D.C. Circuit.
  - On September 9, 2016, the D.C. Circuit preliminarily enjoined the EAC from changing the federal voter registration form to allow Kansas, Alabama, and Georgia to require documentary proof of citizenship. That means documentary proof of citizenship is not on the federal form.
  - On February 24, 2017, the district court remanded the matter to the EAC. Judge Richard Leon instructed the Commission to determine whether Executive Director Newby had authority to allow the three states to require proof of citizenship on the federal form. The preliminary injunction remains in place.
- [Georgia Coalition for the Peoples' Agenda v. Raffensperger](#) (N.D. Ga. No. 1:18-cv-04727)
  - On October 11, 2018, a coalition of civil rights groups brought a challenge to Georgia's "no-match, no vote" system, which requires an exact match between information on the voter registration form and information about the applicant in the state's databases in order to complete the registration process. The plaintiffs argue that the system is discriminatory and constitutes an undue burden on the right to vote in violation of the Voting Rights Act and the U.S. Constitution. The plaintiffs also argue that the system violates Section 8 of the National Voter Registration Act because it fails to ensure that voters who submit timely and accurate voter registration forms are registered as active voters.
  - On November 2, 2018, the district court entered a preliminary injunction with respect to these voting rules for the approximately 3,141 individuals whose voter registrations have been placed in "pending" status because their citizenship information did not match. The court observed that a mismatch could occur when a person obtains a Georgia driver's license prior to becoming a citizen, then becomes a naturalized citizen, and then submits a voter registration application claiming citizenship.
  - The court ordered the Secretary of State to allow county election officials to permit people placed in "pending" status because of citizenship to vote a regular ballot by providing proof of citizenship to poll managers or deputy registrars. Prior to the order, if these voters wanted to present proof of citizenship at the polls, they had to have their proof reviewed by a deputy registrar. The court credited evidence that deputy registrars were not always available at poll places and determined that the state's system constituted a severe burden on the right to vote.
  - The litigation is ongoing. The court entered a scheduling order on January 17, 2019.
- [Georgia Muslim Voter Project v. Raffensperger](#) (N.D. Ga. No. 1:18-CV-04789)



- On November 12, 2018, the district court granted the plaintiff's request for a temporary restraining order in part, requiring the state to take multiple steps to protect voters who were forced to cast provisional ballots because of registration problems. This included establishing a hotline and website so that voters could check if their ballots were counted; conducting a review of provisional ballots; and providing detailed information about provisional ballots cast.
- [Fair Fight Action v. Raffensperger](#) (N.D. Ga., 1:18-cv-05391-SCJ)
  - On November 27, 2018, Fair Fight Action and Care in Action filed a lawsuit against the Georgia Secretary of State and the State Election Board. The plaintiffs allege that the defendants are responsible for a host of election related offenses, including failing to provide absentee ballots and improperly handling completed absentee ballots; failing to train local election officials; failing to properly maintain the voter registration list; improperly blocking registrations and purging voters; improperly preventing voters from using provisional ballots; improperly allowing long lines at polling locations; and failing to provide a sufficient number of paper ballots at polling places.
  - Collectively, the plaintiffs argue that these actions violate the First, Fourteenth, and Fifteenth Amendments of the U.S. Constitution, section 2 of the Voting Rights Act, and the Help America Vote Act.
  - The state defendants filed a motion to dismiss on March 5, 2019, which is pending.
- [Georgia Shift v. Gwinnett County](#) (N.D. Ga. 1:19-cv-01135)
  - On March 11, 2019, Georgia Shift, a civic organization representing marginalized young people, filed a lawsuit against Gwinnett, Fulton, DeKalb, and Cobb counties – the four most populous counties in Georgia. The plaintiff alleges that, in recent elections, these counties failed to provide sufficient polling places, voting machines, and elections staff. The plaintiff argues that this failure constitutes an undue burden on the right to vote in violation of the Fourteenth Amendment to the U.S. Constitution, and asks the court to order the defendants to provide sufficient resources for the 2020 election, including enough polling places, voting machines, and election staff to prevent unreasonably long lines on Election Day and to process all registration forms and absentee ballot applications within one day.

## INDIANA

- [Indiana NAACP v. Lawson](#) (S.D. Ind., No. 1:17-cv-02897; 7th Cir., No. 18-2492)
  - In August 2017, the Brennan Center filed a lawsuit on behalf of the Indiana NAACP and League of Women Voters, challenging the state's new 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.

- On June 8, 2018, a federal district court issued a preliminary injunction, blocking the law. The court held that the plaintiffs were likely to succeed in showing that Indiana's laws violated the National Voter Registration Act. The state appealed the court's order to the Seventh Circuit. Oral argument was held on January 14, 2019, and the parties are awaiting a decision.

## IOWA

- [\*League of United Latin American Citizens v. Pate\*](#) (Polk County Dist. Ct., No. CVCV056403; Iowa Sup. Ct., No. 18-1276)
  - On May 30, 2018, LULAC Iowa and an Iowa voter filed a lawsuit challenging HF 516, a 2017 law that, among other things, cut back on early voting days, made it harder to cast absentee ballots, and implemented new voter ID requirements in elections after 2018.
  - In July 2018, a state district court issued temporary injunction, blocking parts of the law making it more difficult to apply for an absentee ballot and cutting back on the early/absentee voting period. The court also prohibited state officials from advertising that ID was required to vote this November in connection with the state's "soft rollout" of its new voter ID law.
  - On August 10, 2018, the Iowa Supreme Court affirmed the district court's temporary injunction in part, but it reversed the injunction with respect to the absentee/early voting period, restoring the state's cutback. The case was remanded to the district court, and it is ongoing.

## KANSAS

- [\*Fish v. Kobach\*](#) (D. Kan. No. 2:16-cv-02105; 10th Cir. No. 16-3147)
- [\*Bednasek v. Kobach\*](#) (D. Kan. No. 2:15-cv-09300; 10th Cir., No. 18-3186)
  - In February 2016, the ACLU brought suit on behalf of affected would-be voters alleging that Kansas violated the National Voter Registration Act by requiring Kansans who attempt to register to vote while applying for or renewing a driver's license to produce documentary proof of citizenship. In a separate case – *Bednasek v. Kobach* – would-be voters brought suit arguing that the documentary proof of citizenship requirement constituted an undue burden on their right to vote in violation of the Fourteenth Amendment.
  - A federal district court consolidated the cases for trial and held a bench trial in March 2018. After trial, the district court struck down the law. The state appealed to the Tenth Circuit, and the case was argued on March 18, 2019.

- [\*League of Women Voters v. Newby\*](#) (D.D.C, No. 1:16-cv-00236; D.C. Cir. No. 16-5196)
  - *See Georgia above.*

## KENTUCKY

- [\*Harbin v. Bevin\*](#) (E.D. Ky. No. 6:18-cv-002777)
  - On January 4, 2019, four Kentuckians with previous felony convictions filed a complaint challenging Kentucky's voting rights restoration policy. (One of the plaintiffs had previously filed a complaint and an amended complaint, *pro se*, on October 29, 2018 and November 2, 2018, respectively.) The plaintiffs claim that Kentucky's policy, which the plaintiffs allege permanently disenfranchises individuals with felonies unless the Governor restores their rights and grants the Governor unfettered discretion to decide whether or not to do so, violates their rights under the First Amendment of the U.S. Constitution. The plaintiffs ask the court to issue a permanent injunction replacing the current system with a system that restores the right to vote based upon neutral, objective, uniform rules.
  - On February 15, 2019, the defendant filed a motion to dismiss. That motion is pending.

## MISSISSIPPI

- [\*O'Neil v. Hosemann\*](#) (S.D. Miss. No. 3:18-cv-00815)
  - On November 21, 2018, the Mississippi State Conference of the NAACP and three Mississippi voters filed a challenge to Mississippi's absentee ballot procedures, claiming that those procedures constitute an undue burden on the right to vote in violation of the First and Fourteenth Amendments to the U.S. Constitution. According to the plaintiffs, the state allows a voter to use an absentee ballot only if the voter meets one of a limited number of excuses and requires the voter to get both the request form and the ballot itself notarized. The relevant forms are not available online and cannot be photocopied. And Mississippi is one of three states to require that absentee ballots be received before Election Day.
  - The plaintiffs further alleged that these procedures were even more burdensome in the context of the November 27, 2018 runoff election, because county clerks only started sending out ballots on November 17th, so voters would have to complete all of the required steps in about a week and might also be required to pay for overnight shipping in order to get their ballot counted.
  - On November 26, 2018, the plaintiffs filed a motion for a temporary restraining order and preliminary injunction, seeking an extension of the deadline for absentee ballots to be returned for the runoff. On November 27, the court denied the motion.

- The litigation is ongoing. The court entered a case management order on March 1, 2019.

## MISSOURI

- *Missouri NAACP v. State of Missouri* (Cole County Cir. Court, No. 17AC-CC00309; Western District Court of Appeals, No. WD81484)
  - In June 2017, the Missouri NAACP and League of Women voters brought suit, challenging the state's new voter ID law. The plaintiffs argue that the manner in which the state has implemented the law violates state law and the state Constitution.
  - In January 2018, the trial court granted the defendants' motion for judgment on the pleadings and dismissed the case. The plaintiffs appealed, and on October 30, 2018, the Missouri Court of Appeals reversed the district court's decision, and sent the case back to the district court for further proceedings.
- *Priorities USA v. State of Missouri* (Cole County Circuit Court, No. 18AC-CC00226)
  - In June 2018, Priorities USA and an individual voter brought a lawsuit challenging the state's voter ID law. The plaintiffs argue that the law violates the state Constitution.
  - In September 2018, the court held a trial. On October 9, 2018, the court issued an order striking down part of the voter ID law. Specifically, the court permanently enjoined the state from requiring otherwise-qualified voters that lacked photo ID to execute an affidavit in order to vote. In addition, the court enjoined the state from disseminating misleading materials suggesting that voters without photo ID could not vote. On October 19, 2018, the Missouri Supreme Court denied the defendants' request for a stay of the trial court's order. On November 9, 2018, the defendants filed a notice of appeal.

## NEW HAMPSHIRE

- *League of Women Voters v. Gardner* (Superior Court, Hillsborough Northern District, No. 226-2-17-CV-00432 and -00433)
  - In August 2017, the League of Women Voters of New Hampshire (along with certain individual plaintiffs) and the New Hampshire Democratic Party filed complaints challenging Senate Bill 3, a voter registration law that critics claim was designed to make it more difficult for students to vote.
  - The trial court held a weeks-long preliminary injunction hearing that concluded in early September 2018. On October 22, 2018, the trial court issued a preliminary injunction, partially blocking SB3. Specifically, the court enjoined the state's use of a new affidavit for voters registering within 30 days of the election without documentation proving domicile.

- On October 26, 2018, the New Hampshire Supreme Court stayed the trial court's preliminary injunction until after the November 6 election. The case is ongoing in the superior court.
- [Casey v. Gardner](#) (D.N.H. 1:19-cv-00149)
  - On February 13, 2019, two New Hampshire college students filed a challenge to HB 1264 – a 2018 law that changed the legal definition of residence. The plaintiffs allege that this change imposes significant costs on some voters because it effectively requires anyone with a driver's license or car who registers to vote in New Hampshire to obtain a New Hampshire driver's license and register that car in New Hampshire.
  - The plaintiffs claim that the law imposes an undue burden on the right to vote in violation of the First and Fourteenth Amendments to the U.S. Constitution, that it has the purpose and effect of abridging the right to vote on account of age in violation of the 26th Amendment, and that it constitutes a poll tax in violation of the 24th Amendment. And the plaintiff asks the Court to declare HB 1264 unconstitutional and to strike the law down.
- [New Hampshire Democratic Party v. Gardner](#) (D.N.H. 1:19-cv-00201)
  - On February 27, 2019, the New Hampshire Democratic Party filed a challenge to HB 1264 on the same grounds as *Casey v. Gardner*.

## NORTH CAROLINA

- [Holmes v. Moore](#) (Wake Cty. Sup. Ct. 18-cvs-15292)
  - In the November 2018 election, North Carolina voters passed a ballot measure that amended the state Constitution to add a photographic voter ID requirement. In the lame-duck session following the election, the North Carolina legislature passed enabling legislation (SB 824), over Governor Roy Cooper's veto.
  - On December 18, 2018, several North Carolina voters filed a state court challenge to SB 824, alleging that the law violates a variety of provisions of the state Constitution, including because it is discriminatory and constitutes a significant burden on the right to vote and the right to free speech and assembly. The plaintiffs also filed a request that the case be heard by a three-judge panel, arguing that state law requires that they be assigned to such a panel because their claims are facial challenges to the validity of an act of the legislature.
  - On January 22, 2019, the individual state legislator defendants filed a motion to dismiss the case. On February 21, 2019, the State and the State Board of Elections also filed a motion to dismiss (along with an answer to the complaint).

- On March 13, 2019, the Court issued an order largely denying the legislators' motion to dismiss and transferring the case to a three-judge panel.
- [North Carolina State Conference of the NAACP v. Cooper](#) (M.D.N.C. No. 1:18-cv-01034)
  - On December 20, 2018, the North Carolina State Conference of the NAACP, along with local NAACP chapters, filed a federal court challenge to SB 824. The plaintiffs argue that the law violates the Fourteenth and Fifteenth Amendments to the U.S. Constitution and section 2 of the Voting Rights Act. In addition to asking the court to enjoin the law, they request that the court bail the state into pre-clearance under section 3(c) of the Voting Rights Act.
- [North Carolina State Conference of the NAACP v. Moore](#) (Wake Cty. Sup. Ct. 18-cvs-9806)
  - On August 6, 2018 the North Carolina NAACP and Clean Air Carolina filed suit in state court, challenging the validity of four proposed constitutional amendments that were to be put on the November 2016 ballot, including a new voter ID requirement. The plaintiffs sought to prevent the amendments from being included on the ballot, arguing that the measures were misleadingly worded and that they had been passed by an illegally gerrymandered legislature and so were invalid.
  - A three-judge panel hearing the case granted a partial preliminary injunction, holding that two of the amendments (not the voter ID amendment) were misleading or inadequately informative. (The legislature subsequently re-wrote the amendments, which were then included on the ballot.) The panel found that it did not have jurisdiction to review the plaintiffs' claim that the amendments were invalid because the legislature was unlawfully constituted.
  - On October 11, 2018, the plaintiffs filed an amended complaint before a single-judge court, and on November 2, 2018, the plaintiffs filed a motion for partial summary judgment on their claim that the amendments were invalid because the legislature was unlawfully constituted. On November 6, 2018, North Carolina voters passed two of the challenged amendments, including the voter ID amendment.
  - On February 22, 2019, the Wake County Superior Court struck down the two amendments. The Court held that because the legislature that passed the amendments was illegally gerrymandered, it did not represent the people of the state, and therefore lacked the power to pass legislation amending the state constitution.
  - The defendants have appealed. On March 21, 2019, the Court of Appeals issued a stay of the Superior Court's order, pending resolution of the appeal.

## NORTH DAKOTA

- [Brakebill v. Jaeger](#) (D.N.D., No. 1:16-cv-08; 8th Cir. No. 18-1725; U.S. Sup. Ct., No. 18A335)

- In January 2016, seven Native American plaintiffs filed suit under the Voting Rights Act and the U.S. and North Dakota Constitutions, challenging the state's strict photo ID law and arguing that it disproportionately denies Native American citizens the right to vote. 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 it intends to enforce the ID requirement.
  - In April 2017, North Dakota passed a revised voter ID law, and the plaintiffs filed a motion to enjoin the new law. In April 2018, the district court issued a preliminary injunction, temporarily halting the state from enforcing parts of the new law that could disenfranchise significant numbers of Native Americans. The state appealed to the Eighth Circuit and requested a stay of part of the district court's injunction, which required the state to accept voter ID that includes a current mailing address rather than a current residential street address.
  - On September 24, 2018, the Eighth Circuit granted the state's request for a stay of the district court's injunction with respect to the residential street address requirement, pending appeal. On October 9, 2018, the U.S. Supreme Court denied plaintiffs' application to vacate the Eighth Circuit's stay. The merits appeal has been fully briefed and submitted to the Eighth Circuit.
- [\*Spirit Lake Tribe v. Jaeger\*](#) (D.N.D. No. 1:18-cv-00222)
  - On October 30, 2018, the Spirit Lake Tribe and individual Native American voters brought a challenge to North Dakota's requirement that voter IDs include the voter's residential street address. This lawsuit followed on the Eighth Circuit's September 24, 2018 stay order in *Brakebill v. Jaeger* (see above), which indicated that while that court would not uphold the district court's *statewide* injunction of the residential address requirement at that juncture, voters impacted by the requirement could bring targeted challenges to the law based on its impact on them.
  - The plaintiffs argue that this requirement imposes an undue burden on their right to vote in violation of the First and Fourteenth Amendments to the U.S. Constitution. They ask the court to bar the state from enforcing the residential street address requirement against Native American voters living on reservations or alternatively, to allow those voters to identify their residences on the precinct map in order to verify their eligibility to vote in the precinct.
  - On October 31, 2018, the plaintiffs filed a motion for a temporary restraining order against the voter ID requirement. On November 1, 2018, the district court denied the motion. On January 7, 2019, the defendant filed a motion to dismiss.

## OHIO

- [\*Ohio A. Philip Randolph Institute v. LaRose\*](#) (6th Cir. No. 18-3984; S.D. Oh. No. 2:16-cv-00303)

- On June 11, 2018, the U.S. Supreme Court [upheld](#) a controversial Ohio purge practice in a 5-4 decision in *Husted v. A. Phillip Randolph Institute (APRI)*. Under the challenged law, voters in Ohio who miss a single federal election are flagged to receive a confirmation notice, and if they fail to respond to that notice (or engage in other defined activities) in the next four years, they are removed from the voter rolls.
- Following the Supreme Court's decision, the district court lifted a stay it had previously entered and proceeded to consideration of the remaining issues in the case. Most critically, the plaintiffs argued that the form of the confirmation notice described above violated federal law, and they sought a permanent injunction to remedy the alleged violation. On October 10, 2018, the district court denied the plaintiffs' motion for permanent injunction with respect to the form of the confirmation notice.
- On October 12, 2018, the plaintiffs appealed, and on October 15, 2018, they filed an emergency motion for injunction, pending appeal. On October 31, 2018, the Sixth Circuit [granted](#) the plaintiffs' emergency motion, in part. The court ordered Ohio to count ballots cast by voters who had been purged between 2011 and 2015 through the failure-to-vote process, as long as the purged voter casts his or her ballot at the correct polling place, continues to reside in the same county where he or she had been registered, and has not become ineligible to vote due to a felony conviction, mental incapacity, or death.
- On March 11, 2019, the district court extended that relief to the May 7, 2019 primary, pursuant to a joint stipulation of the parties. The merits appeal remains pending in the Sixth Circuit.

## PENNSYLVANIA

- [Adams Jones et al. v. Boockvar](#) (Commonwealth Court of Pa., No. 717 MD 2018)
  - On November 13, 2018, the ACLU of Pennsylvania along with other civil rights organizations filed a lawsuit challenging the Commonwealth's deadline for submitting absentee ballots. Among the plaintiffs are nine individuals who applied for an absentee ballot on time but received the ballot either too close to or after Pennsylvania's deadline for returning ballots (by 5 p.m. on the Friday before Election Day). According to the plaintiffs' complaint, the state's deadline for returning absentee ballots is the earliest in the nation. The plaintiffs are asking the court to establish a new deadline, arguing that the early deadline for returning absentee ballots violates both the U.S. and the Pennsylvania Constitution.
  - The defendants have filed motions to dismiss (or "preliminary objections"), which are pending.

## TEXAS

- [\*Allen v. Waller County\*](#) (S.D. Tex. No. 4:18-cv-3985)
  - On October 22, 2018, several students of color at Prairie View A&M University (PVAMU), a historically Black university, filed suit, alleging that Waller County elections officials refused to provide them with early voting opportunities equal to those provided to non-Black, non-student voters in the county, in violation of Section 2 of the Voting Rights Act, and the Fourteenth, Fifteenth, and 26th Amendments to the U.S. Constitution. This lawsuit is a continuation of a decades-long fight against discriminatory voting practices in Waller County. On October 24, 2018, the plaintiffs filed a motion for a temporary restraining order ("TRO").
  - On October 25, 2018, Waller County took steps to [\*expand\*](#) early voting opportunities for PVAMU students – adding a day of early voting at a location in the city of Prairie View (which surrounds PVAMU) and extending early voting hours at the PVAMU campus center. On October 26, 2018, the plaintiffs moved to withdraw their TRO motion without prejudice, and on October 30, the court granted the motion to withdraw.
  - On January 7, 2019, the defendants filed a motion to dismiss, which is pending.
- [\*Texas LULAC v. Whitley\*](#) (W.D. Tex. 5:19-cv-00074) (lead case)  
[\*MOVE Texas Civic Fund v. Whitley\*](#)  
[\*Garibay et al v. Whitley\*](#)
  - On January 25, 2019, Texas Acting Secretary of State David Whitley declared that more than 95,000 non-citizens were on the state's voter rolls, based on information in the state's driver's license database. He then issued lists containing the names of these supposed non-citizens to county registrars for the purpose of purging them from the voter rolls.
  - These cases, which were filed in early February 2019 and have since been consolidated, challenge this voter purge program. (The defendants in the different cases include Secretary Whitley, Attorney General Ken Paxton, and county elections officials.) The plaintiffs argue that there are significant flaws with the program, including that the Secretary's approach is likely to identify many eligible voters who received a driver's license when they were non-citizens, subsequently became naturalized citizens, and then properly registered to vote. The plaintiffs allege that the voter purge program discriminates against naturalized citizens in violation of the First and Fourteenth Amendments of the U.S. Constitution, sections 2 and 11(b) of the Voting Rights Act, section 101 of the Civil Rights Act of 1964, and 42 U.S.C. § 1985.
  - The various plaintiffs filed motions for temporary injunctive relief. On February 25, 2019, the court directed the parties to file proposed findings of fact and conclusions of law regarding these motions. On February 27, 2019, while

observing that those filings were still to come, the court issued an order directing counties not to send out notices to flagged voters or remove any names from their voter registration lists without authorization from the court.

- The motions for preliminary injunction, as well as motions to dismiss the case, remain pending.

## WISCONSIN

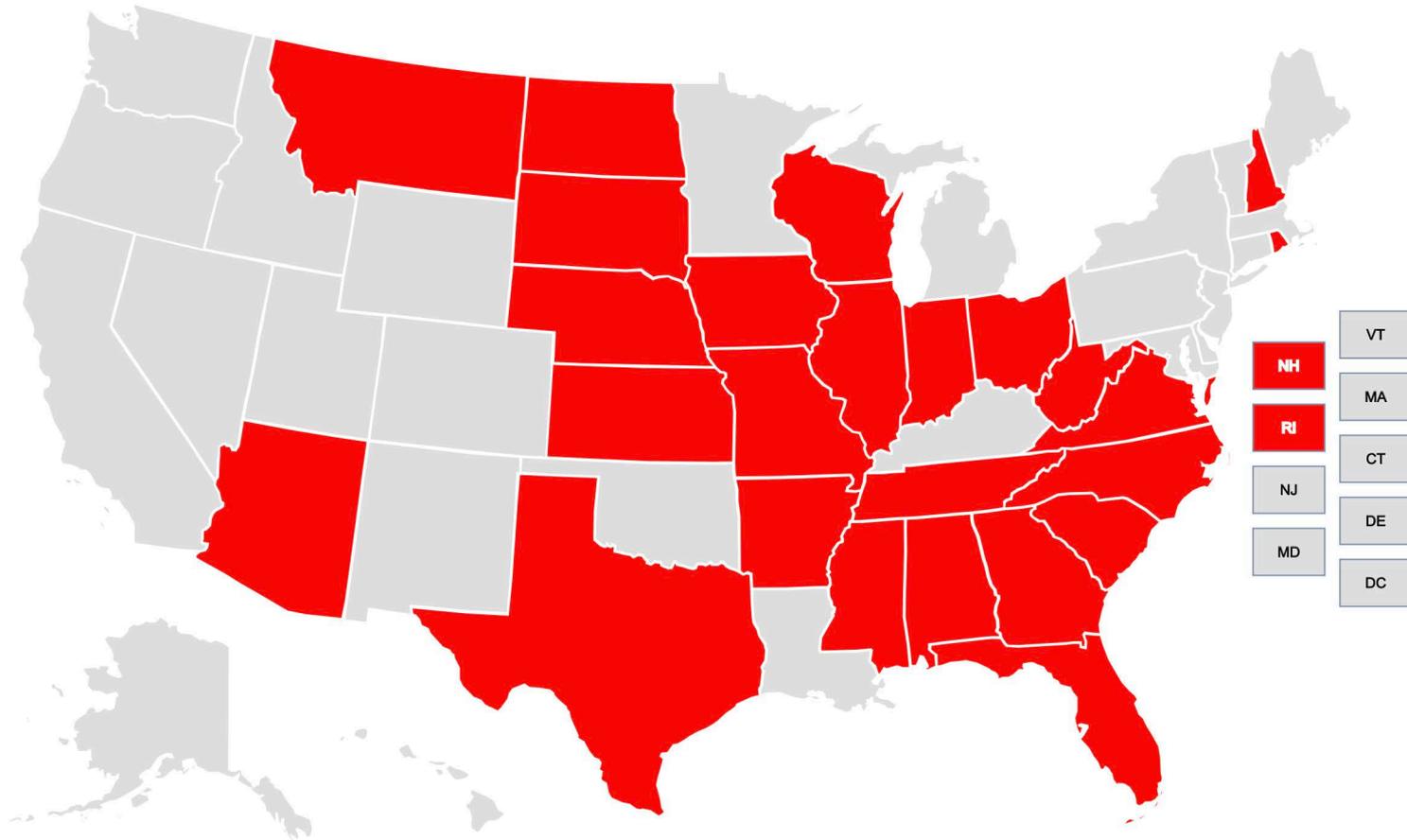
- [\*Frank v. Walker\*](#) (E.D. Wis., No. 11-cv-1128; 7th Cir., Nos. 14-2058, 15-3582, 16-3003; U.S. Sup. Ct. No. 14A352)
  - In December 2011, several Wisconsin voters brought suit, challenging Wisconsin's strict photo ID law as discriminatory against African-American and Hispanic voters and a denial of the vote, bringing claims under the U.S. Constitution and Section 2 of the Voting Rights Act.
  - In April 2014, the trial court struck down the law; the state appealed to the Seventh Circuit, which overturned the trial court's decision and upheld the law. However, after the Supreme Court stepped in, the law was not in effect for the November 2014 election. It went into effect in April 2015, after the Supreme Court declined to reconsider the Seventh Circuit's ruling upholding the law.
  - The plaintiffs undertook a second stage of litigation; in which they argue that the strict photo ID law is unconstitutional for those who cannot get ID. In July 2016, the trial court issued an order instructing that voters who lack photo ID must be able to cast a regular ballot in the November 2016 elections after completing an affidavit.
  - Wisconsin filed an emergency appeal of this decision with the Seventh Circuit and on August 10, 2016, the Seventh Circuit stayed the district court's order. On August 26, 2016, the full Seventh Circuit declined to reconsider this decision. Because of the Seventh Circuit's order, Wisconsin's law was in effect without the affidavit alternative for those without ID during the 2016 elections.
  - After the Seventh Circuit issued the emergency stay of the district court's order, the case proceeded to the Seventh Circuit on appeal. Oral argument was held on February 24, 2017. The parties are awaiting a decision.
- [\*One Wisconsin Inst., Inc. v. Nichol\*](#) (W.D. Wis., No. 15-cv-324; 7th Cir., No. 16-3091)
  - In May 2015, One Wisconsin Institute, affected voters, and Wisconsin Citizen Action brought suit to challenge various election law policies, including the voter ID provision and legislative restrictions on early voting opportunities, under the U.S. Constitution and section 2 of the Voting Rights Act.
  - On July 29, 2016, the trial court blocked many of the challenged restrictive voting provisions. The trial court ruled, among other things, that Wisconsin could not maintain its voter ID law without creating a functional safety net for

those without ID and permitting students to use expired but otherwise valid student IDs. The court also found that the limitations on in-person absentee voting were intentionally racially discriminatory. The decision was appealed to the Seventh Circuit.

- On August 22, 2016, a panel of the Seventh Circuit denied Wisconsin's request to put the trial court's decision on hold in advance of the November election. On August 26, 2016, the full Seventh Circuit declined to reconsider this decision.
- On September 30, the district court ordered state officials to investigate whether DMV clerks were properly instructing voters on the process to obtain ID for voting, after recordings of applicants receiving incorrect information were made public. The court held a hearing on the issue on October 13th, and issued an order finding that Wisconsin had failed to sufficiently inform the public about ID options and had failed to sufficiently train DMV officials on how to issue IDs for voting. The court ordered the state to increase its education efforts, retrain DMV officials, and submit weekly progress reports to the court up until the election, but declined to enjoin the voter ID law for the November 2016 election.
- The case is currently on appeal with the Seventh Circuit. Oral argument was held on February 24, 2017. The parties are awaiting a decision.
- In December 2018, Wisconsin passed a new law imposing early voting and voter IDs restrictions (among other measures). On December 17, 2018, the plaintiffs filed a motion arguing that the new measures violated the district court's injunctions, and on January 17, 2019, the Court granted the motion, enjoining the challenged provisions.

# 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.