

# Brennan Center for Justice

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## Twenty Years

*at New York University School of Law*

## Voting Laws Roundup 2017

February 3, 2017

Amidst President Trump's [claim](#) that millions of noncitizens voted in 2016, and his [promised](#) major investigation on the subject, hundreds of voting and election bills are already circulating in state capitals — and three legislative bodies have already passed legislation.

As of February 1, 2017, with 46 states and Washington, D.C. now in their legislative sessions, **at least 308 bills to enhance voting access have been introduced in 36 states.** Meanwhile, **at least 46 bills to restrict access to registration and voting have been introduced in 21 states.**

The states have been busy legislating on voting this decade, a trend that began following the 2010 election. In the following two years, states passed [a wave of restrictions](#): 27 bills in 19 states. Some laws were blocked or reversed, but more followed in [the next four years](#) — and now [20 states](#) have new restrictions in effect since that time. Although the initial flood of restrictive legislation has given way to a more deliberate pace, serious threats to voting continue to be introduced and passed in state capitals. At the same time, states have also led the way in expanding voting access: at least 26 states and D.C. have passed bills to [expand voting access](#) since 2013. In 2017, with legislation still being introduced, key trends are emerging:

**States continue to introduce voter ID and citizenship bills, notwithstanding high-profile controversies over similar laws.** This week, Virginia's House of Delegates passed a "show me your papers" law requiring documentary proof of citizenship, such as a birth certificate or passport, to register to vote. Proponents [claim](#) the law is needed to block illegal voting, repeating President Trump's allegation of widespread noncitizen voting — a claim unsupported by evidence. A similar law in Kansas stopped tens of thousands from registering and has been partially blocked by state and federal courts. Elsewhere, lawmakers continue to introduce voting restrictions, even where other recent efforts to restrict voting access have been stopped. Arkansas and North Dakota lawmakers have proposed bills to enact or heighten voter ID requirements — despite court rulings blocking previous strict voter ID laws — and the bills have already passed in one chamber in each state. Texas legislators have introduced a proof of citizenship law, among a litany of restrictive bills, even though the state's strict voter ID law was found discriminatory by multiple courts. On another topic, in New Hampshire, student voting restrictions similar to those vetoed last legislative session have been proposed.

**A spike in laws restricting voting and registration assistance.** Legislators are increasingly targeting individuals and organizations that help others participate. Attacks on civic groups are [not new](#), and courts have [stepped in](#) to block them. Several recent high-profile examples, however, suggest this may be a major new front in the voting wars. [Arizona and Wisconsin](#) passed laws in 2016 that could make it harder for groups to help people register and vote, and controversial investigations in [Georgia](#) and [Indiana](#) may have hindered participation. This year, there are already bills that would pose barriers to certain voting and registration assistance in Arizona, Montana, New York, Texas, and Virginia.

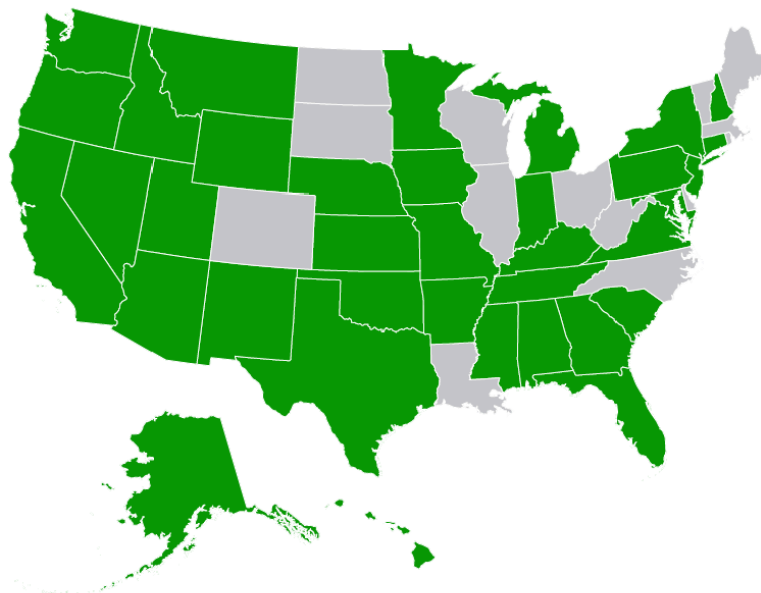
**Reforms garnering bipartisan support continue to be introduced.** Iowa, Mississippi, Missouri, Montana, Oklahoma, Utah, Virginia, and Wyoming lawmakers have already introduced legislation to expand access — in ways that have garnered bipartisan support in recent legislative sessions in those states. These include expanding early voting access, restoring the right to vote for people with criminal convictions, and enacting automatic voter registration. Since 2013, at least 26 states passed positive reforms — including automatic registration — with bipartisan support, showing consensus reforms remain possible.

### **Expansive Legislation**

As in previous legislative sessions, bills to expand access — at least 308 bills in 36 states — outnumber those that restrict voting and registration.

## **Bills to Expand Access to Voting in 2017**

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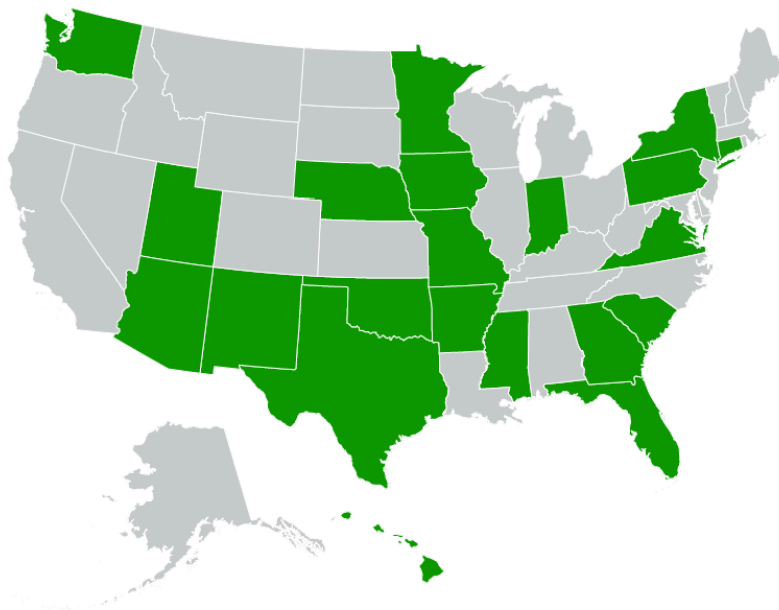


### **Automatic voter registration and other reforms to modernize voter rolls**

Overall, 99 bills that would modernize voter registration have been introduced in 29 states, with automatic voter registration (AVR) being the most prevalent. In early 2015, Oregon became the first state to pass AVR, and saw increased [registration](#) and [turnout](#). Five additional states followed suit in 2015 and 2016, and more states are poised to consider AVR bills this session. Bills to implement or expand AVR this session have been introduced in at least 21 states — Arizona, Arkansas, Connecticut, Florida, Georgia, Hawaii, Indiana, Iowa, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, Oklahoma, Pennsylvania, South Carolina, Texas, Utah, Virginia, and Washington. Bills that would modernize voter registration in other ways — such as by allowing registration online or on Election Day — are also prevalent.

### **Automatic Voter Registration Bills in 2017**

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### **Early and absentee voting expansion**

Thirty-nine bills to increase early in person voting access have been introduced in 14 states. Fifty-eight bills to increase access to absentee voting have been introduced in 22 states.

### **Restoring the right to vote**

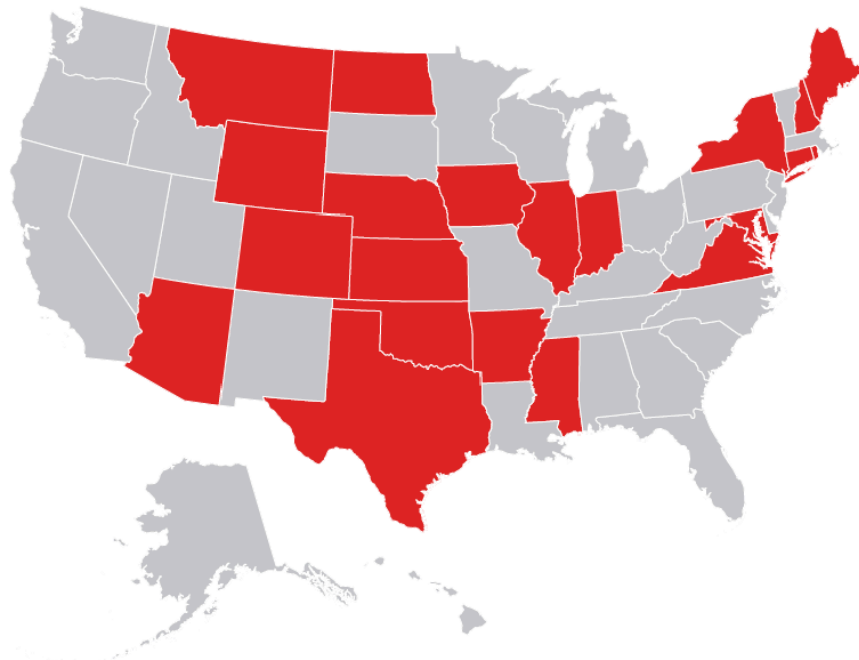
In 11 states, 32 bills to help restore the right to vote to persons with past criminal convictions have already been introduced.

## **Restrictive Legislation**

Restrictive legislation is comparable to the most [recent](#) legislative sessions at this time. Legislation posing acute threats to voters continues to circulate — there are 46 bills restricting access to the franchise introduced in 21 states.

### **Bills to Restrict Access to Voting in 2017**

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#### **Voter ID**

At least 12 states are already considering restrictive voter ID legislation — Arkansas, Illinois, Indiana, Maine, Maryland, Montana, Nebraska, New Hampshire, New York, North Dakota, Virginia, and Wyoming. Arkansas and North Dakota’s bills have already passed in their state Houses. Bills in 8 of these states would create or expand strict photo ID requirements; the precise effect of Nebraska, New Hampshire, New York, and Wyoming’s bills would depend on implementation. Legislation from the Iowa secretary of state to implement [voter ID](#) will likely be considered in the legislature, with the possibility of more restrictive bills originating in the capital.

#### **Other restrictions on voting and registration**

Along with Virginia, Texas legislators have introduced legislation that would create strict documentary proof of citizenship requirements to register. In Connecticut, Illinois, Iowa, and New Hampshire, legislation has been introduced to eliminate or limit Election Day registration,

and bills that restrict students' ability to claim residency where they live and go to school have been introduced in Arizona, Maine, and New Hampshire. Legislators in Colorado, Illinois, Iowa, and Texas have introduced legislation that would cut back on early voting opportunities.

### **Attacks on civic groups and voter assistance**

Numerous states have seen legislation that threatens individuals or groups who help others vote or register. Legislation making it more difficult to help others deliver their absentee ballots has been proposed in three states: Arizona, Montana, and New York. Virginia legislators have introduced burdensome requirements on community-based voter registration, along with increased penalties for alleged misconduct. In Texas, a bill has been proposed to make it harder to offer voter assistance, undermining a [court settlement](#) last year.