

How We Vote

Do recent changes in voting law make it easier or harder to cast a ballot?

BY WENDY UNDERHILL and DANIEL DIORIO

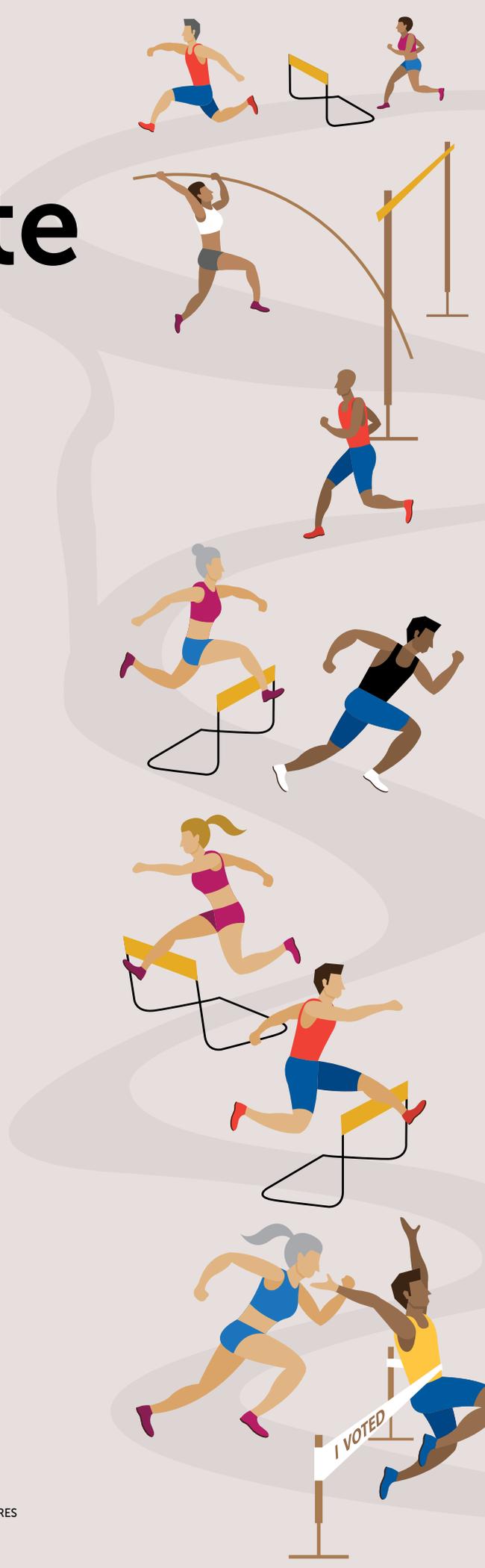
It seems that every four years there is a review of how elections are run in this country. Everything in the process, from voter registration requirements and deadlines to primaries, caucuses and Election Day voting, falls under a microscope, and more often than not, one with a partisan lens. Democrats tend to want to ease the rules so more people can vote. Republicans generally want to prevent fraud with stricter requirements. But not all changes follow the partisan divide. Online voter registration has expanded not only in Democratic-controlled Hawaii, Illinois and Massachusetts, but also in Republican-controlled Georgia, Idaho, Ohio and Tennessee.

Whether these changes in state law over the last four years have made it harder or easier to vote is a matter of perspective. The decentralized nature of U.S. elections, with more than 50 election systems, all with different requirements and voting options, results in many different opinions. And even then, because states mix and match different policies, it can make comparing apples to apples difficult.

Here's a look at five areas of voting law and how they have changed since the 2012 election.

Is it easier or harder to vote now? Judge for yourself.

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Early and No-Excuse Absentee Voting

Currently, 37 states have some form of voting before Election Day. In 2012, 35 states offered no-excuse absentee voting, early in-person voting or vote-by-mail for everyone. Since then, two more have jumped onto the early voting bandwagon. Minnesota approved no-excuse absentee voting, and Massachusetts approved early in-person voting, which will be in effect for the general election this year.

In addition, Colorado shifted to all-mail balloting, although it continues to offer Election Day voting at centers for those who need it. Florida, Illinois and Maryland expanded early voting opportunities, while Nebraska, North Carolina, Ohio, South Dakota and Tennessee decreased time frames but still offer early voting. And in Wisconsin, the times allowed to vote early across the state are now all the same.

Legislative Considerations: There's always a tug-and-pull between competing values when deciding which, if any, new voting policies to adopt. Lawmakers must decide whether the convenience voters find in having more time to cast ballots is more important than the costs associated with opening polling places for several days (in the case of early in-person voting) or the risks of fraud (in the case of no-excuse absentee voting) when ballots are completed outside an election office or polling venue.

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Online Voter Registration

Currently, 31 states allow voters to register online. This is one of the few areas that experienced change all in one direction—up. In 2012, only 13 states offered online registration. Today, 31 states and the District have such systems up and running. Some adopted online registration through legislative action; others through administrative procedures. Seven states have enacted legislation but their systems are not yet operational.

Legislative Considerations: Do the start-

up costs and security risks outweigh the increased convenience for voters and accuracy of registration records for election officials?

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Same-Day Voter Registration

Today, 12 states and D.C. allow registration on Election Day. Although the number of states with same-day voter registration has increased by only one since 2012, much has changed. Several states have adopted the practice, while a fair number have ended it.

The most significant changes occurred in Colorado, Hawaii, Illinois and Maryland, all of which enacted same-day registration, though a few allow it only during the early voting period. Vermont also enacted same-day registration legislation, but it takes effect in 2017. North Carolina did away with its version of same-day registration. Ohio did away with its version of same day registration but due to a legal challenge, it's been reinstated—at least until a higher court hears an appeal.

Legislative Considerations: Do states have the technology to make same-day registration work and ensure that only true residents of the state are voting? How difficult is it, really, to register before an election?

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Voter ID

Thirty-three states require some form of ID to vote; nine require the IDs to have photos. This is up from 2012, when 29 states required some form of documentary evidence of voter identification at the polls, and only Georgia, Indiana, Kansas and Tennessee had strict photo ID laws. Many of these strict requirements face legal challenges. New photo ID laws in Arkansas and Pennsylvania have been struck down by the courts. And photo ID laws in North Carolina, North Dakota, Texas and Wisconsin are being addressed by courts currently. West Virginia also enacted a photo ID law, but it doesn't go into effect until 2018.

New Hampshire and North Carolina will require ID for the first time this

year, while Mississippi and Wisconsin will require photos for the first time in a presidential election.

Legislative Considerations: As the hot-button election debate of the decade, voter ID comes down to access vs. integrity, according to the pundits. Is the threat of voter impersonation great enough to require all voters to show an ID? The courts are still hashing out the answers.

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Voting Rights of Felons

Twenty-six states automatically restore voting rights to felons after they finish serving their full sentences, including probation and parole. Another 13 states and the District restore the right to vote after completing the term of incarceration only. Six states require a gubernatorial pardon or court action to restore voting rights, and three states restore rights after the completed sentence, except for certain crimes, which require a pardon or court action. Finally, in Maine and Vermont, felons never lose the right to vote.

Legislative action has moved in both directions in this area during the last four years. Since 2012, Delaware eliminated its five-year waiting period before voting rights are restored; Wyoming passed a bill that restores voting rights to certain nonviolent felons after completion of their sentences; and the Maryland General Assembly overrode a veto to restore voting rights to individuals after completion of their term of incarceration, instead of after probation.

Governors have been active too. In Kentucky, it's been back and forth, with a Democratic governor, Steve Beshear, signing an executive order restoring voting rights, which his successor, Republican Matt Bevin, immediately reversed. Most recently, Virginia's Democratic governor, Terry McAuliffe, restored voting rights to certain ex-felons by executive order; the state supreme court shot that down.

Legislative Considerations: Will a more streamlined process for restoring rights help reduce recidivism and better integrate ex-felons back into society without benefiting one political party or another? 