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RESOURCE

Voting Laws Roundup: May 2021

States have already enacted more than 20 laws this year that will make it harder for Americans to vote — and many legislatures are still in session.

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Across the country, the effort to restrict the vote continues, with a wave of bills moving through state legislatures and becoming law.

Between January 1 and May 14, 2021, at least **14 states enacted 22 new laws** that restrict access to the vote. **1** The United States is on track to far exceed its most recent period of significant voter suppression — 2011. By **October of that year**, 19 restrictive laws were enacted in 14 states. This year, the country has already reached that level, and it's only May.

UPDATE

As of June 21, 17 states **enacted 28 new laws** that restrict access to the vote. With some state legislatures still in session, more laws will certainly follow, which we will track in the next roundup later this year.

More restrictions on the vote are likely to become law, as roughly one-third of legislatures are still in session. Indeed, at least **61 bills with restrictive provisions are moving through 18 state legislatures**. More specifically, **31 have passed at least one chamber**, while another 30 have had some sort of committee action (e.g., a hearing, an amendment, or a committee vote). Overall, lawmakers have introduced at least 389 restrictive bills in 48 states in the 2021 legislative sessions.

The restrictive laws from 2011 were enacted after the 2010 elections brought a **significant shift** in political control over statehouses — and as the country confronted backlash to the election of its first Black president. Today's attacks on the vote come from similar sources: the racist voter fraud allegations behind the Big Lie and a desire to prevent future elections from achieving the historic turnout seen in 2020.

Americans' access to the vote is in unprecedented peril. But Congress can protect it. The **For the People Act**, passed by the House and now awaiting action in the Senate, would block many of the state-level restrictions that have been or may soon be enacted into law.

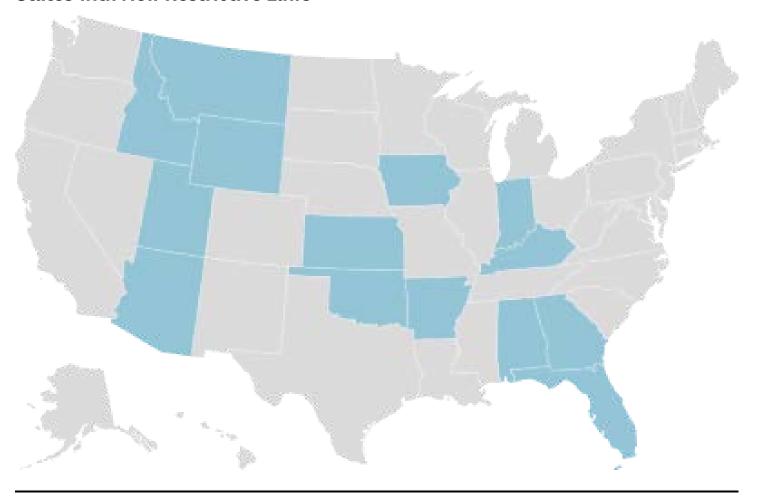
At the same time, at least 880 bills with expansive provisions have been introduced in 49 states. 3 Of these, at least 28 bills with expansive provisions have been signed into law in 14 states. At least 115 bills with expansive provisions are moving in 25 states: 45 have passed at least one chamber, and 70 have had some sort of committee action.

You can find a resource listing restrictive and expansive state voting legislation by bill number here.

Restrictive Bills

Bills Enacted into Law

States with New Restrictive Laws



In a backlash to 2020's historic voter turnout and **unprecedented** vote-by-mail usage, state lawmakers have imposed a variety of significant restrictions on both mail voting and in-person voting. Florida, Georgia, and lowa have each used single omnibus bills, which incorporate many restrictions, to undertake a full-fledged

assault on voting. By contrast, Arkansas and Montana lead the country in the number of restrictive bills enacted (four each), each of which addresses a narrower range of issues. Laws enacted in Arkansas, Florida, Georgia, Iowa, and Montana are already being challenged **in court**.

At least 16 mail voting restrictions in 12 states will make it more difficult for voters to cast mail ballots that count. 4 Six laws shorten the timeframe for voters to request a mail ballot, including a Georgia law that will reduce that window by more than one-half. 5 Five laws make it more difficult for voters to automatically receive their ballot or ballot application — either by making it harder to stay on absentee voting lists or by prohibiting officials from sending applications or ballots without the voter's affirmative request. 6 Nine laws in eight states make it more difficult for voters to deliver their mail ballots, including a law in Arkansas that makes the in-person ballot delivery deadline earlier, six laws that restrict assistance to voters in returning their mail ballots, and four laws that limit the availability of mail ballot drop boxes. 7 Three laws impose stricter signature requirements for mail voting, 8 while three others impose stricter or new voter ID laws for mail voting. 9

At least 8 states have enacted 11 laws that make in-person voting more difficult. Three states have enacted four laws that impose new or harsher voter ID requirements for in-person voting. 10 Four laws make faulty voter roll purges more likely, risking confusion and disenfranchisement when voters show up at the polls. 11 Montana eliminated Election Day registration and moved up its registration deadline to the day before Election Day. 12 Three states have limited the availability of polling places: Montana permitted more locations to qualify for reduced polling place hours; lowa reduced its Election Day hours, shortened the early voting period, and limited election officials' discretion to offer additional early voting locations; and Georgia reduced early voting in many counties by standardizing early voting days and hours. 13

New Restrictive Laws

EFFECT ON VOTING	BILL NUMBERS
Shorten window to apply for a mail ballot	AL HB 538, AR SB 643, GA SB 202, IA SF 413, KY HB 574, OK HB 2663
Shorten deadline to deliver mail ballot	AR SB 643
Make it harder to remain on absentee voting lists	AZ SB 1485, FL SB 90
Eliminate or limit sending mail ballot applications to voters who do not specifically request them	GA SB 202, IA SF 413, KS HB 2332
Eliminate or limit sending mail ballots to voters who do not specifically request them	FL SB 90
Restrict assistance in returning a voter's mail ballot	AR HB 1715, FL SB 90, IA SF 413, KS HB 2183, KY HB 574, MT SB 530
Limit the number, location, or availability of mail ballot drop boxes	FL SB 90, GA SB 202, IA SF 413, IN SB 398
Impose stricter signature requirements for mail ballots	AZ SB 1003, ID HB 290, KS HB 2183
Tighten or impose voter ID requirements for mail voting	FL SB 90, GA SB 202, MT SB 169
Tighten or impose voter ID requirements for in-person voting	AR HB 1112, AR HB 1244, MT SB 169, WY HB 75
Expand voter purges or risk faulty voter purges	IA SF 413, FL SB 90, KY HB 574, UT HB 12
Ban snacks and water to voters waiting in line	FL SB 90, GA SB 202
Eliminate Election Day registration	MT HB 176
Reduce polling place availability (locations or hours)	IA SF 413, MT SB 196
Limit early voting days or hours	GA SB 202, IA SF 413

Restrictive Bills That Are Moving

As of May 14, 2021, there are at least 61 bills with restrictive effects moving through 18 state legislatures, in addition to the bills that have already become law.

More than one-third of these moving bills are in only three states: Texas and Michigan with nine bills each, and Wisconsin with seven. Texas legislators are still considering SB 7, an omnibus voter suppression bill, in conference. To date, however, the final language of the bill has not been released from the conference committee.

At least 32 moving bills in 15 states would restrict the ability to **vote by mail**. In Wisconsin, AB 201 and SB 204 would eliminate the ability of voters other than military voters to automatically receive an absentee ballot for each election. At least six moving bills would prohibit the unsolicited sending of mail ballot applications or ballots. In At least four moving bills would make it harder for absentee voters to obtain assistance submitting their ballots. In Wisconsin, AB 201 and SB 204 would eliminate the ability of voters other than military voters to automatically receive an absentee ballot for each election. At least six moving bills would make it harder for absentee voters to obtain

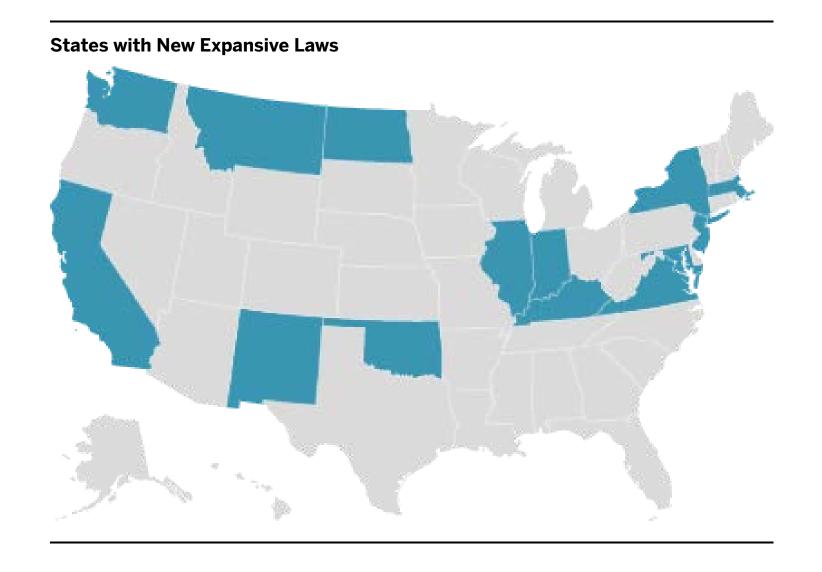
At least 15 bills moving in 10 states would impose **new or stricter voter ID requirements**. Six of these bills would impose new or stricter ID requirements to vote in person. Seven would require voters to present an ID number or an ID to vote by mail.

At least 14 bills moving in 6 states would **expand voter purge practices** in ways that risk improper removals.

At least eight bills would require the use of new and often unreliable data sources to eliminate voters from the rolls.

At least 11 bills moving in 6 states would **increase barriers to voter registration**. At least 11 bills moving in 6 states would **increase barriers to voter registration**. And N SF 173 and RI HB 6099 would require voters to provide an ID or ID number when registering to vote. Four bills would prohibit or restrict the ability to register to vote on Election Day. And In Arizona, HB 2793 would preemptively prohibit automatic voter registration, while HB 2811 would preemptively prohibit Election Day registration.

Expansive Bills



Despite the wave of voter suppression efforts in 2021, some states have enacted legislation to make it easier for Americans to access the ballot box. These laws are focused on expanding early voting, making mail voting easier, and improving accessibility for voters with disabilities. Virginia has enacted nine expansive bills this session, the most of any state.

At least seven laws would **expand the availability of early voting**. For example, New Jersey and Kentucky codified in-person early voting, and Massachusetts extended early voting through June of this year.

And at least eight laws in six states **make mail voting easier**. That includes five laws in four states that expand mail ballot drop box access or ballot drop-off locations and five laws in four states that codify procedures so that voters learn of and can fix mistakes and defects in their mail ballots.

At least six states have enacted eight laws that seek to make voting **more accessible for voters with disabilities.**

Washington and New York **restored voting rights** to people with past convictions so that every American living in the community is eligible to vote.

Two states made voter registration easier for young voters: New York expanded automatic voter registration to include the State University of New York, while Virginia expanded pre-registration to 16-year-olds.

New Expansive Laws

EFFECT ON VOTING	BILL NUMBERS
Expand early voting opportunities	IN HB 1479, KY HB 574, MA HB 73, MD HB 745, NJ SB 3203, OK HB 2663, VA HB 1968
Expand mail ballot drop box access/drop-off locations	IL HB 1871, KY HB 574, MD SB 683, VA HB 1888, VA SB 1245
Ease mail voting (misc.)	IN SB 398, KY HB 574, MD SB 683, ND HB 1253, VA SB 1097, VA SB 1245, VA HB 1888
Provide greater access to voters with disabilities	IN SB 398, KY HB 574, MA HB 73, MT SB 15, ND HB 1253, VA HB 1921 VA SB 1245, VA SB 1331
Restore voting rights to people with past convictions	NY SB 830B, WA HB 1078
Ease voter registration	ND HB 1078, NY AB 2574, VA HB 2125
Protect polling place access	MD HB 745, NM HB 231
Prohibit discrimination through state voting rights act	VA SB 1395/VA HB 1890
Ease voter ID requirement	IN HB 1485, ND HB 1447

Expansive Bills That Are Moving

As of May 14, 2021, there are at least 115 bills with expansive provisions that are moving across 25 states, in addition to the bills that have already become law. New York has 20 moving bills with expansive provisions, the most of any state.

These include two bills that, if approved by New York voters in November, would amend the state's constitution to allow for no-excuse absentee voting and same-day voter registration.

In addition, there are 13 moving expansive bills in Connecticut and 10 in Oregon.

More than half of the expansive bills that are moving would **make it easier to vote by mail**. There are 59 moving bills across 20 states that would make it easier to obtain and return a mail ballot and have that ballot counted. Thirteen bills would expand the availability of ballot drop boxes. **J** 36 Twelve bills would extend the deadline for mail ballot receipt or postmark, giving voters more time to return their mail ballots. **J** 37 Nine of the moving bills would either establish no-excuse mail voting or put forward state constitutional amendments to do so. **J** 38 Nine of the moving bills would establish or expand notice and cure opportunities for mail voters. **J** 39 In addition, other moving bills would allow voters to apply online for mail ballots, require that mail ballot return envelopes include prepaid postage, or remove a witness requirement for mail ballots, among other expansive measures. **J** 40

There are 32 bills moving in 16 states that would **expand voter registration opportunities**. 41 Ten bills would establish automatic voter registration (AVR) or extend AVR to additional agencies or schools. 42 Ten bills would establish or expand same-day or Election Day registration opportunities. 43 In addition, five bills would extend voter registration deadlines. 44 Three bills would give 16- and 17-year-olds the opportunity to pre-register to vote. 45

There are 25 bills moving in 11 states that would **establish or expand early voting**. Some of these bills, including in Louisiana and Oklahoma, would increase the number of days, or increase the required hours per day, of early voting. In New York, three bills would require that counties provide a minimum number of early voting locations based on their populations, while another would require an early voting location (and an Election Day polling location) on any college or university campus with 300 or more registered, active voters. 47

There are 10 bills moving in five states that would **restore voting rights** for those with past convictions. 48
Six bills would restore the right to vote upon release from incarceration, rather than upon completion of probation or parole. 49
There are also three bills that would restore the right to vote while incarcerated, with limited exceptions. 50
Additional bills would remove or ease requirements that formerly incarcerated

individuals pay legal financial obligations before their right to vote is restored; others would remove a mandatory waiting period after completing a sentence before the right to vote can be restored.

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Alarming Trends

In addition to new legislation that will make it harder for Americans to vote, state lawmakers have enacted several other policies that risk undermining the voting process.

For example, a **previous Brennan Center analysis** highlighted the nationwide effort to **expand the powers of poll watchers**, a move that invites the opportunity for increased voter intimidation and harassment at the polls. Already, three such bills have been enacted. **1** 52 Georgia and Montana have expanded poll watcher access in voting or ballot-counting locations. The Georgia law also provides that a single person can challenge the eligibility of an unlimited number of voters, risking arbitrary, discriminatory, and disruptive challenges. The lowa law makes it a criminal offense for an election official to obstruct a watcher's activities.

Three new state laws seek to **punish local election officials for technical mistakes**. Iowa's SF 413 allows the state commissioner of elections to impose a fine on county election officials for technical infractions, including failure to purge voters. In Arkansas, SB 644 allows the State Board of Election Commissioners to decertify local election officials or even take over the administration of local elections based on any violation (even if inadvertent) of voter registration or election laws they deem severe enough. Similarly, Georgia's SB 202 allows local election officials to be suspended for violations of election-related rules and regulations, without a requirement that intent be established. Other bills would **impose criminal penalties on election officials**. In Arizona, HB 2794 makes it a criminal offense for election officials to revise election-related deadlines without first obtaining a court order. If enacted, Texas HB 574, which has been passed by both chambers, would create criminal liability for knowingly counting invalid votes.

After governors, secretaries of state, and local officials took action in 2020 so that voters could safely cast their ballots during the pandemic, state legislators are advancing bills that **limit executive and local power**. Of those, five such bills have already been enacted. \$\int_{55}\$ One Montana law requires legislative consent to executive actions related to election law in an emergency. New laws in Kansas and Kentucky prohibit executive officials from suspending or modifying election law. The Kansas law goes further and prohibits the secretary of state from entering into a consent decree with a court regarding election procedures without first obtaining legislative approval. Arizona's HB 2794 prohibits state and local officials from revising election-related deadlines without first obtaining a court order. And Florida's omnibus voter suppression law, SB 90, limits the ability of state and county agencies to settle lawsuits related to elections without interference by the legislature and attorney general. Along the same lines, Georgia's omnibus voter suppression law, SB 202, limits the state's ability to settle lawsuits and adopt emergency rules or regulations related to elections without interference by the legislature

This session, five bills have been enacted that **restrict or prohibit the use of outside funding** for election administration expenses. In 2020, nonpartisan philanthropic grants were essential to election officials' ability to conduct safe elections during the pandemic. Laws in Arizona, Florida, and Georgia prohibit election administrators from accepting private funding for election expenses, while the Kansas law creates a felony offense for election officials to accept or spend money on elections from private sources. Tennessee's law prohibits election officials from taking any private funding for conducting elections unless it is approved by the speaker of the Senate and the speaker of the House of Representatives.

In response to the momentum behind the **For the People Act**, four states have passed nonbinding resolutions **opposing the federal comprehensive democracy reform bill** and urging Congress to reject it.

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- 1. Provisions are categorized as restrictive if they would make it harder for Americans to register, stay on the rolls, and/or vote, as compared to existing state law.
- 2. This total includes bills that are introduced, prefiled, or carried over.
- 3. Provisions are categorized as expansive if they would make it easier for Americans to register, stay on the rolls, and/or vote, as compared to existing state law.
- **4**. Many of these laws enact more than one mail voting restriction, as delineated in the paragraph that follows.
- **5**. AL HB 538, AR SB 643, GA SB 202, IA SF 413, KY HB 574, OK HB 2663.
- 6. AZ SB 1485, FL SB 90, GA SB 202, IA SF 413, KS HB 2332.
- 7. AR HB 1715, AR SB 643, FL SB 90, GA SB 202, IA SF 413, IN SB 398, KS HB 2183, KY HB 574, MT SB 530.
- **8**. AZ SB 1003, ID HB 290, KS HB 2183.
- **9**. FL SB 90, GA SB 202, MT SB 169.
- **10**. AR HB 1112, AR HB 1244, MT SB 169, WY HB 75.
- 11. IA SF 413, FL SB 90, KY HB 574, UT HB 12.
- **12**. MT HB 176.
- 13. GA SB 202, IA SF 413, MT SB 196.
- 14. AL HB 285, AL HB 314, AZ HB 2792, AZ HB 2793, AZ HB 2811, AZ SB 1358, AZ SB 1713, ID SB 1070, KS SB 307, LA HB 167, LA SB 63, LA SB 224, MA S 468, ME HP 174, ME HP 402, ME HP 798, MI HB 4127, MI HB 4128, MI HB 4134, MI HB 4491, MI SB 273, MI SB 285, MI SB 286, MI SB 287, MI SB 308, MN SF 173, MN SF 1422, MN SF 1831, NC HB 782, NE LB 590, NE LR 3CA, NH HB 292, NH HB 523, NH SB 31, NH SB 54, NV AB 321, NV SB 84, NY AB 6970, RI HB 6003, RI HB 6007, RI HB 6099, RI SB 516, RI SB 662, RI SB 666, SC SB 236, TX HB 3920, TX SJR 51, TX SB 7, TX SB 155, TX SB 1111, TX SB 1114, TX SB 1235, TX SB 1340, TX SB 1509, WI AB 201, WI SB 179, WI SB 180, WI SB 203, WI SB 204, WI SB 206, WI SB 209. "Moving" means the bill is still live and has passed one or both chambers or has had some sort of committee action namely a committee hearing (already held or scheduled), an amendment, or a committee vote.

- **15**. AZ HB 2792, AZ SB 1713, ID SB 1070, KS SB 307, LA SB 63, LA SB 224, MA S 468, MI SB 273, MI SB 285, MI SB 286, MI SB 287, MI SB 308, MN SF 173, NC HB 782, NE LB 590, NH HB 292, NH SB 54, NV AB 321, NY AB 6970, RI HB 6007, RI HB 6099, RI SB 662, RI SB 666, TX HB 3920, TX SJR 51, TX SB 7, TX SB 1509, WI AB 201, WI SB 203, WI SB 204, WI SB 206, WI SB 209.
- **16**. AZ HB 2792, RI HB 6007, TX SB 7, TX SJR 51, WI AB 201, WI SB 204.
- 17. RI HB 6099, RI SB 662, TX SB 7, WI SB 203.
- **18**. AZ SB 1713, LA SB 224, ME HP 174, ME HP 402, ME HP 798, MI SB 285, MN SF 173, MN SF 1831, NE LR 3CA, NH HB 292, NH SB 54, RI HB 6099, RI SB 666, TX SB 1509, WI SB 204.
- 19. AZ SB 1713, ME HP 174, ME HP 402, ME HP 798, MN SF 173, NE LR 3CA.
- **20**. LA SB 224, MN SF 173, NH HB 292, NH SB 54, RI SB 666, TX SB 1509, WI SB 204.
- **21**. AL HB 314, LA HB 167, MI HB 4127, MI HB 4128, MI HB 4491, NH SB 31, RI HB 6003, RI SB 516, TX SB 7, TX SB 155, TX SB 1111, TX SB 1114, TX SB 1235, TX SB 1340.
- 22. AL HB 314, LA HB 167, MI HB 4127, NH SB 31, TX SB 155, TX SB 1114, TX SB 1235, TX SB 1340.
- **23**. AZ HB 2793, AZ HB 2811, AZ SB 1358, MN SF 173, MN SF 1422, MN SF 1831, NH HB 523, RI HB 6099, TX SB 1340, WI SB 179, WI SB 180.
- **24**. MN SF 1422, MN SF 1831, NH HB 523, WI SB 180.
- 25. VA HB 1888, VA HB 1890, VA HB 1921, VA HB 1968, VA HB 2125, VA SB 1097, VA SB 1245, VA SB 1331, VA SB 1395.
- **26**. IN HB 1479, KY HB 574, MA HB 73, MD HB 745, NJ SB 3203, OK HB 2663, VA HB 1968.
- 27. IL HB 1871, IN SB 398, KY HB 574, MD SB 683, ND HB 1253, VA HB 1888, VA SB 1097, VA SB 1245.
- 28. IL HB 1871, KY HB 574, MD SB 683, VA HB 1888, VA SB 1245.
- 29. IN SB 398, KY HB 574, ND HB 1253, VA HB 1888, VA SB 1245.
- **30**. IN SB 398, KY HB 574, MA HB 73, MT SB 15, ND HB 1253, VA HB 1921, VA SB 1245, VA SB 1331.
- **31**. NY SB 830B, WA HB 1078.

- . NY AB 2574, VA HB 2125.
- . NY AB 4128, NY AB 454, NY AB 6046, NY AB 6047, NY AB 6970, NY SB 253, NY SB 360, NY SB 492, NY SB 517, NY SB 518, NY SB 557, NY SB 632, NY SB 744, NY SB 1028, NY SB 1046, NY SB 1485, NY SB 1632, NY SB 2951, NY SB 4306, NY SB 4658.
- 34. NY SB 360 (no-excuse absentee voting), NY SB 517 (same-day voter registration).
- . CT HJR 58, CT HJR 59, CT HB 5318, CT HB 5651, CT HB 5872, CT HB 6205, CT HB 6408, CT HB 6464, CT HB 6578, CT SJR 13, CT SB 5, CT SB 820, CT SB 901, OR HJR 11, OR HB 2226, OR HB 2366, OR HB 2499, OR HB 2681, OR HB 2679, OR HB 3021, OR SB 249, OR SB 251, OR SB 571.
- . CT HB 6464, CT SB 5, CT SB 901, MA H 805, MA S 459, MD HB 222, MD SB 525, ME HP 936, ME SP 450, MN HF 9, NV AB 321, NY AB 4128, NY SB 492.
- . CA AB 37, MA H 805, MA S 459, MA S 468, NC HB 782, NJ AB 3591, NJ AB 4259, NJ SB 2496, NV AB 121, NV SB 263, OR HB 2226, OR HB 2687.
- . CT HB 6464, CT HJR 58, CT SB 901, DE HB 75, MA H 76, MA S 27, MA S 28, NY SB 360, RI SB 621.
- 39. CA SB 503, HI SB 548, ME HP 1172, ME SP 450, NH SB 89, NJ SB 2496, TX SB 1018, VT SB 15, WI AB 198.
- **40**. NE LB 577 (requiring absentee ballot return envelopes have prepaid postage), NH SB 83 (allowing for online absentee ballot applications), RI SB 184, RI SB 247, RI SB 621 (removing requirement that absentee ballots need to be signed before a notary or two witnesses).
- . CA SB 504, CT HB 5872, CT HB 6408, CT HB 6578, CT SB 5, CT SJR 13, DE SB 5, HI SB 159, HI SB 548, IL HB 3235, MA H 805, MA S 459, MA S 468, ME HP 804, ME HP 1172, MI SB 274, MN HF 607, MN HF 9, NE LB 557, NH SB 83, NV AB 121, NV AB 321, NV SB 263, NY SB 517, NY SB 2951, OR HJR 11, OR HB 2681, OR HR 2499, RI HJR 5983, RI SJR 569, RI SB 799, TX SB 1340.
- 42. CT HB 5872, CT HB 6578, CT SB 5, DE SB 5, IL HB 3235, MN HF 9, MN HF 607, NE LB 557, OR HB 2499, RI SB 799.
- . CA SB 504, HI SB 548, MA H 805, MA S 459, MA S 468, MN HF 9, NV AB 321, NV SB 263, NY SB 517, OR HJR 11.
- 44. HI SB 548. NV AB 121. NV SB 263. NY SB 517. NY SB 2951.
- . CT SJR 13. MI SB 274. MN HF 9.

- . CT HJR 59, CT SJR 13, LA HB 286, MA H 805, MA S 28, MA S 459, MA S 468, MD HB 206, MD SB 596, ME HP 423, ME HP 1172, MI SB 300, MN HF 9, MN HF 1160, MN SF 1831, NY SB 518, NY SB 557, NY SB 744, NY SB 1485, NY SB 4306, NY SB 4658, OK SB 440, RI HB 5745, RI SB 247, TX HB 2149.
- . NY SB 744, NY SB 1485, NY SB 4306, NY SB 4658.
- . CT HB 5318, CT HB 6578, CT SB 5, MN HF 9, MN HF 876, NE LB 158, NE LR 10CA, OR HB 2366, OR SB 571, VA SJR 272.
- . CT SB 5, CT HB 6578, CT HB 5318, MN HF 9, MN HF 876, VA SJR 272.
- . NE LR 10CA, OR HB 2366, OR SB 571.
- . AL SB 118, CT HB 6578, CT SB 5, NE LB 158.
- . GA SB 202, IA SF 413, MT SB 93.
- . AR SB 644, GA SB 202, IA SF 13.
- . AZ HB 2794, TX HB 574.
- 55. FL SB 90, GA SB 202, KS HB 2332, KY HB 574, MT HB 429.
- . AZ HB 2569, FL SB 90, GA SB 202, KS HB 2183, TN SB 1534.
- 57. AZ HCR 2023, KS HCR 5015, MI SR 25, OK SR 9.