

## Agenda For Today's Meeting

- **7:30** Breakfast
- **7:45** Welcome And Introductions
- **8:00** NCSL Presentation –Legislative Overview
  - Redistricting
  - Elections
  - Initiatives And Referendums
- **8:20–8:40** Discussion
  - Policymaking Power Granted To The Committee
  - Voter List Maintenance Policy
  - Committee Name Change
  - Questions For NCSL At Austin Meeting, Dec. 4-6
  - Stories From The States Over The Last Two Years





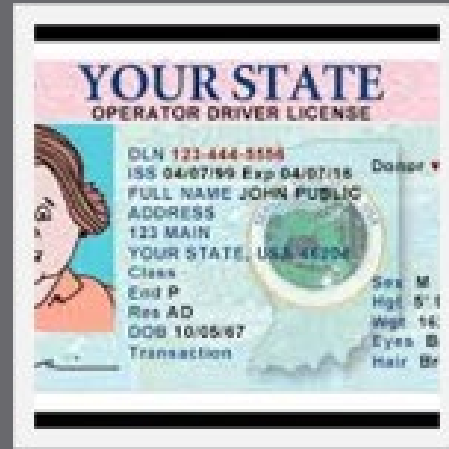
# National Election Legislation Trends

Katie King  
*Policy Analyst, Elections & Redistricting*

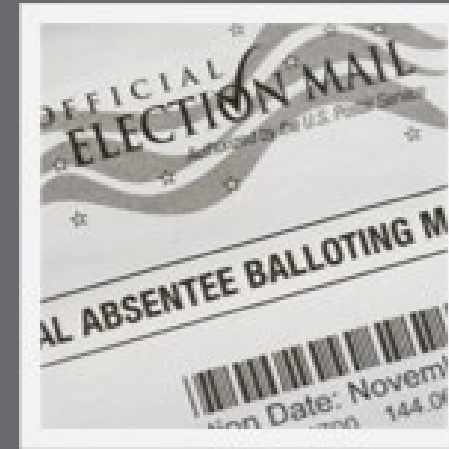




**Voter  
Registration**



**Voter ID**



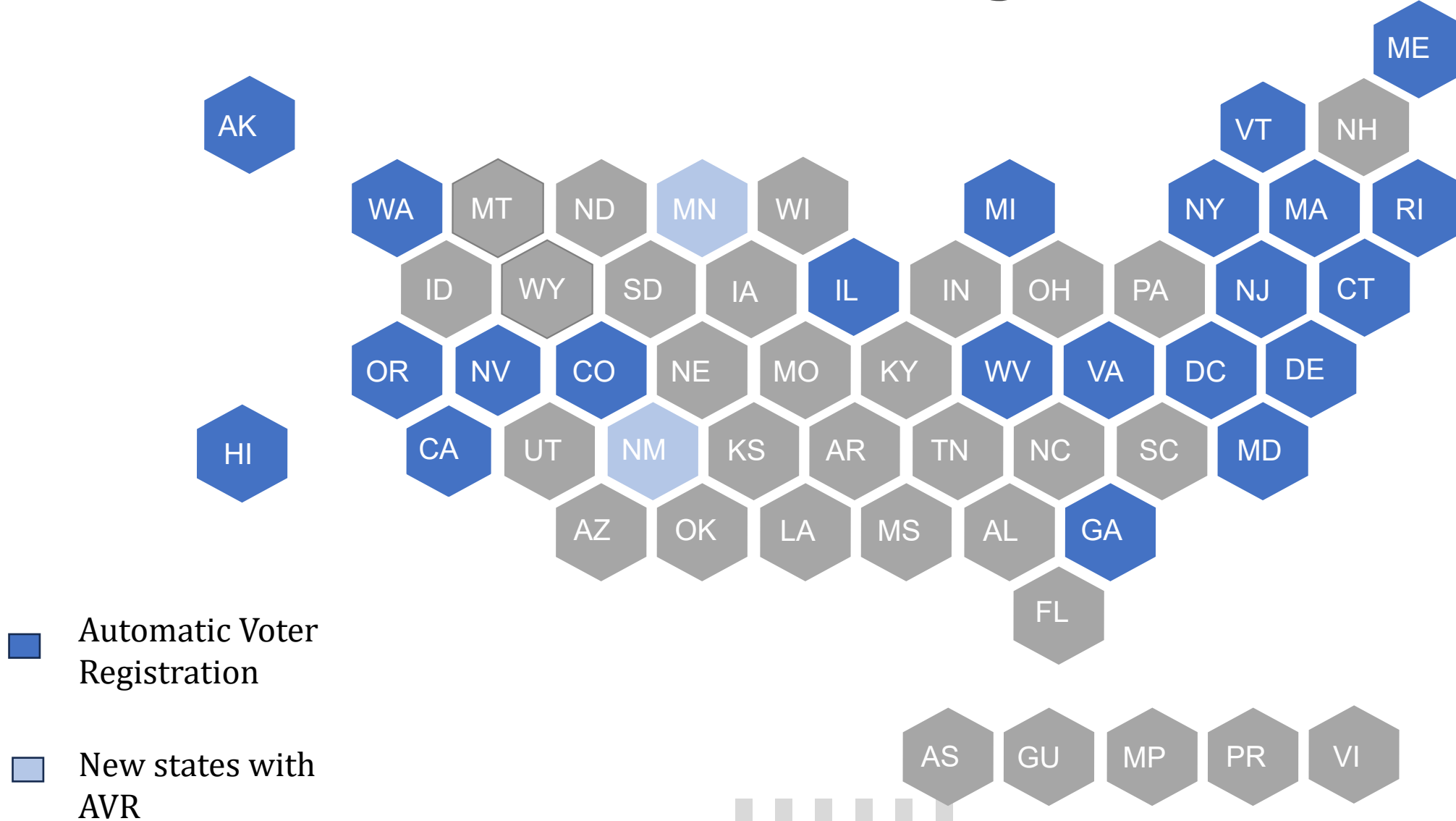
**How We Vote**



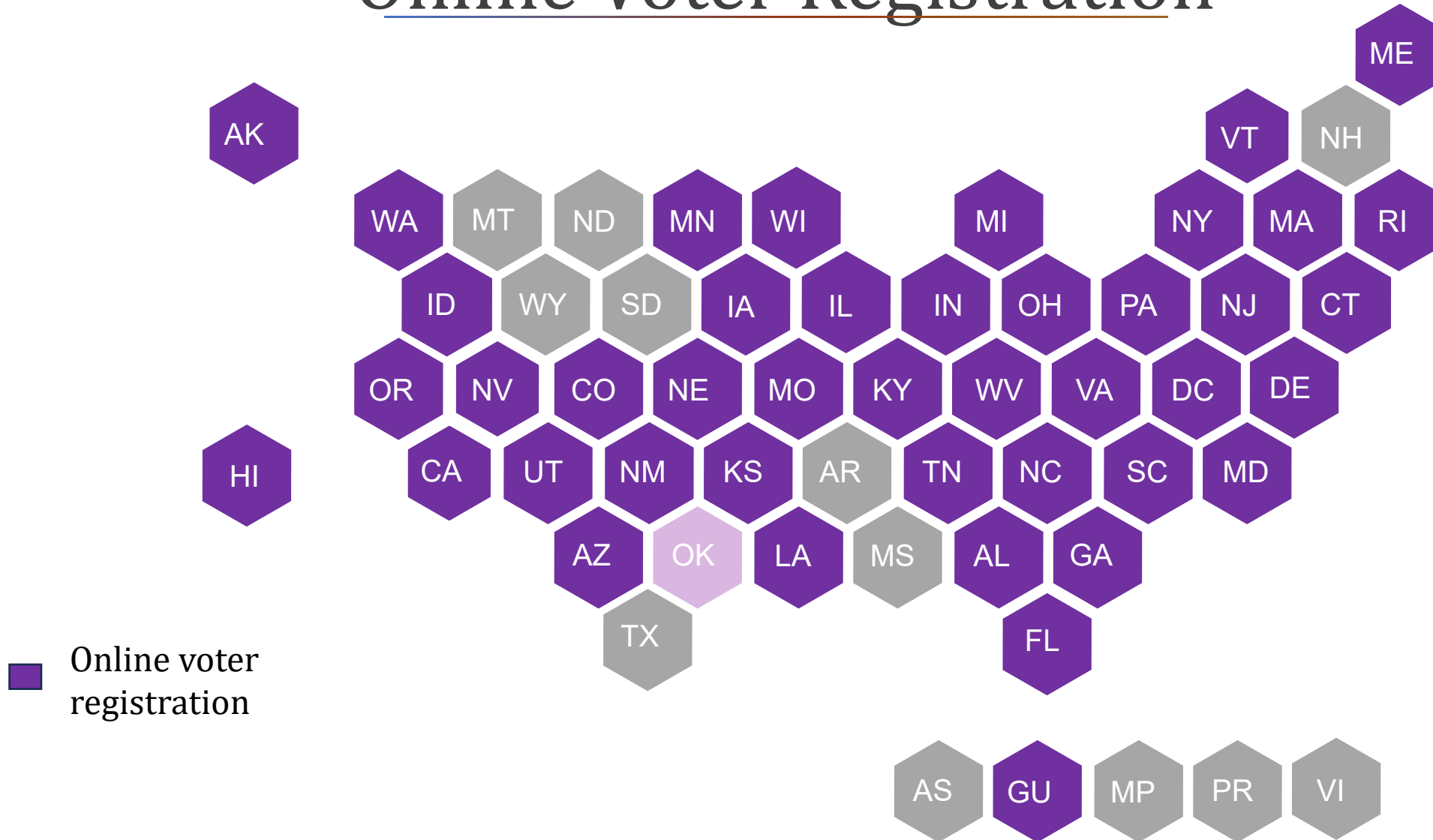
**Cats & Dogs**



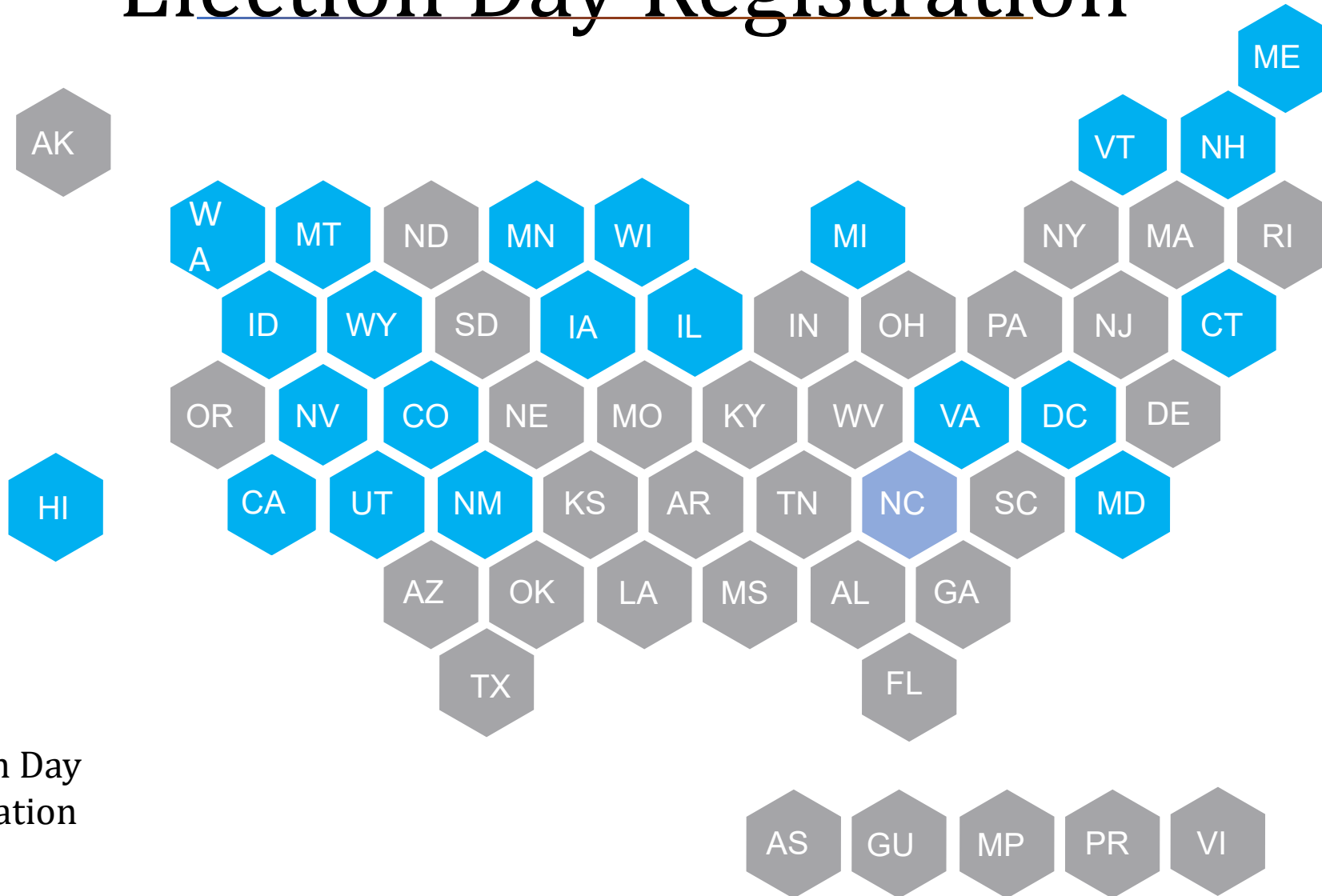
# Automatic Voter Registration



# Online Voter Registration



# Election Day Registration



# Voter ID and Early In-Person Voting



## Voter ID

- 35 states have laws requesting or requiring voters to show a form of ID at the polls
- WY and ID updated their ID requirements this year

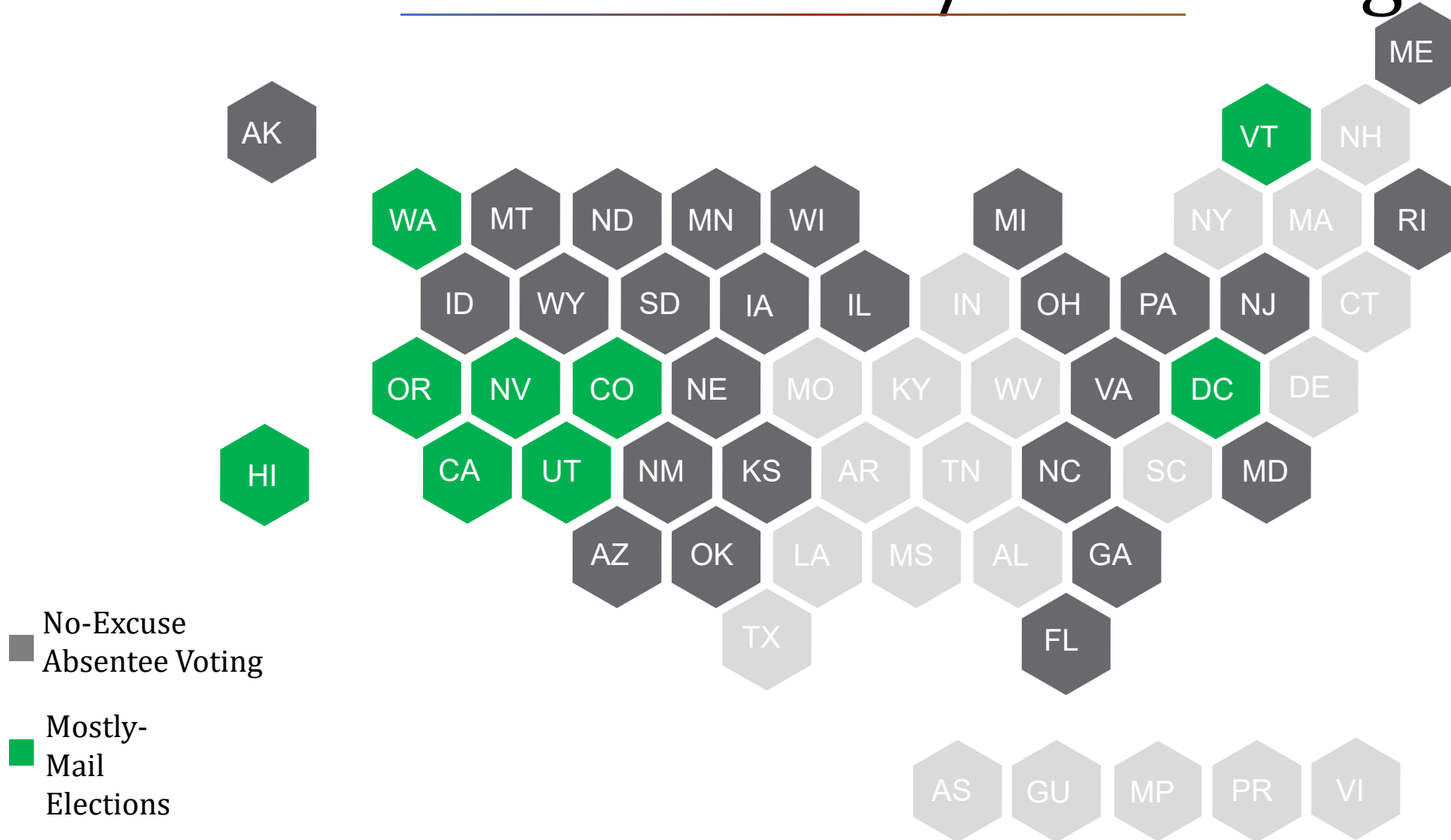


## Early In-Person Voting

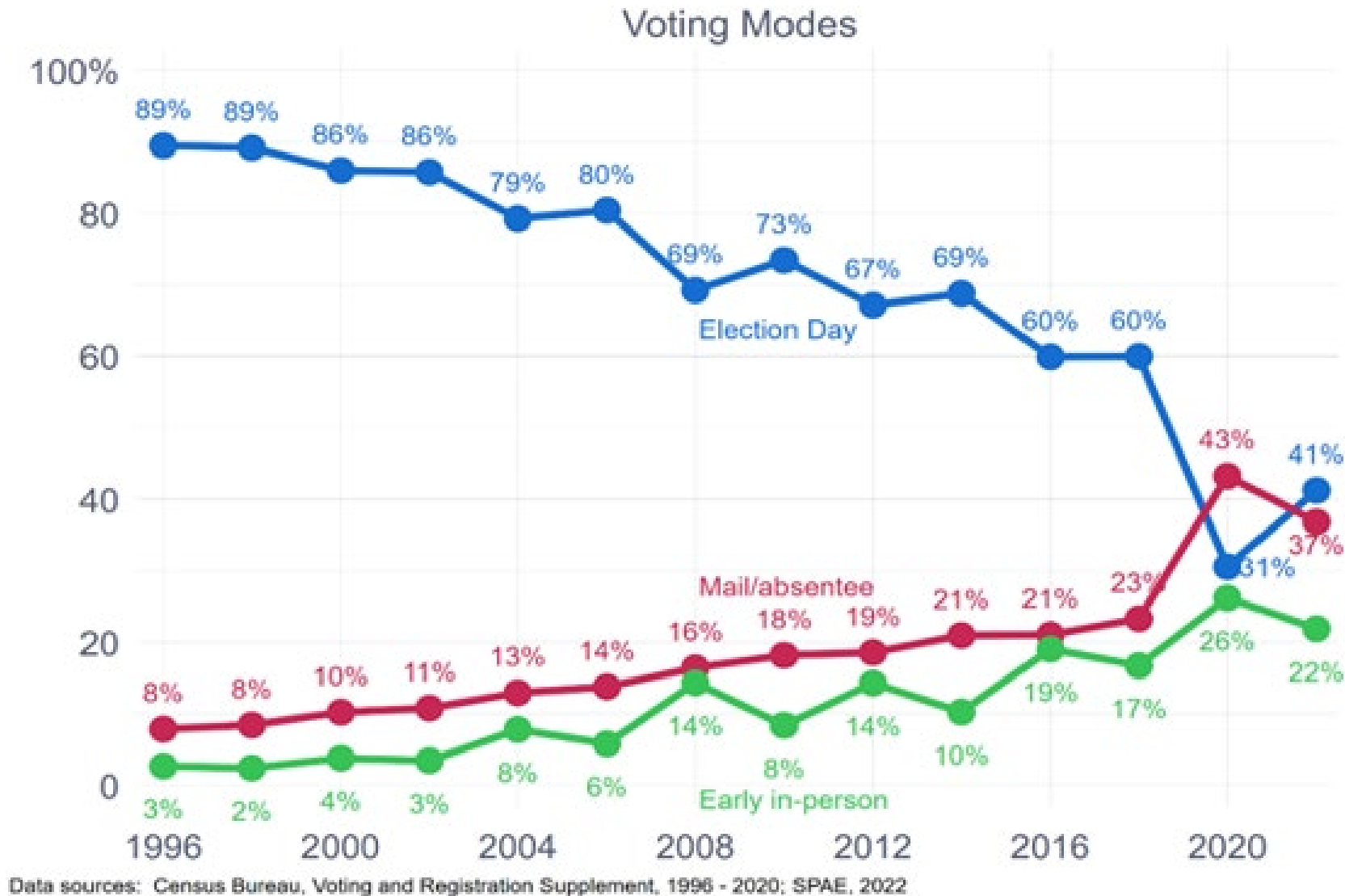
- 47 states and D.C. have early in-person voting
- CT passed a law allowing 15 days of early voting this year



# No Excuse Absentee/Mail Voting

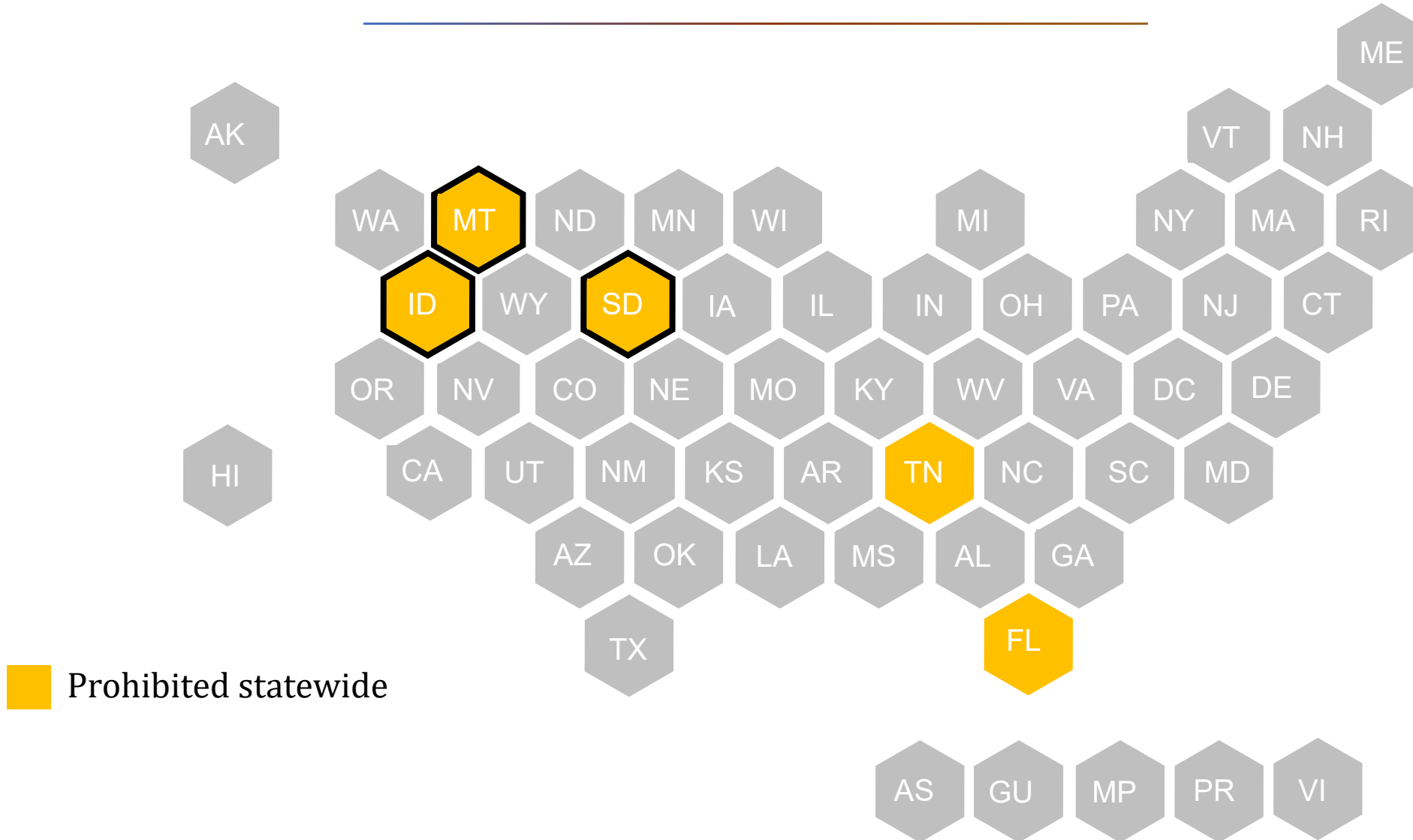


# Changes in Voting Modes 1996-2022





# Prohibiting and Permitting Ranked Choice Voting Statewide



# Post-2020 Legislation Trends

## Prohibiting Private Funding of Elections

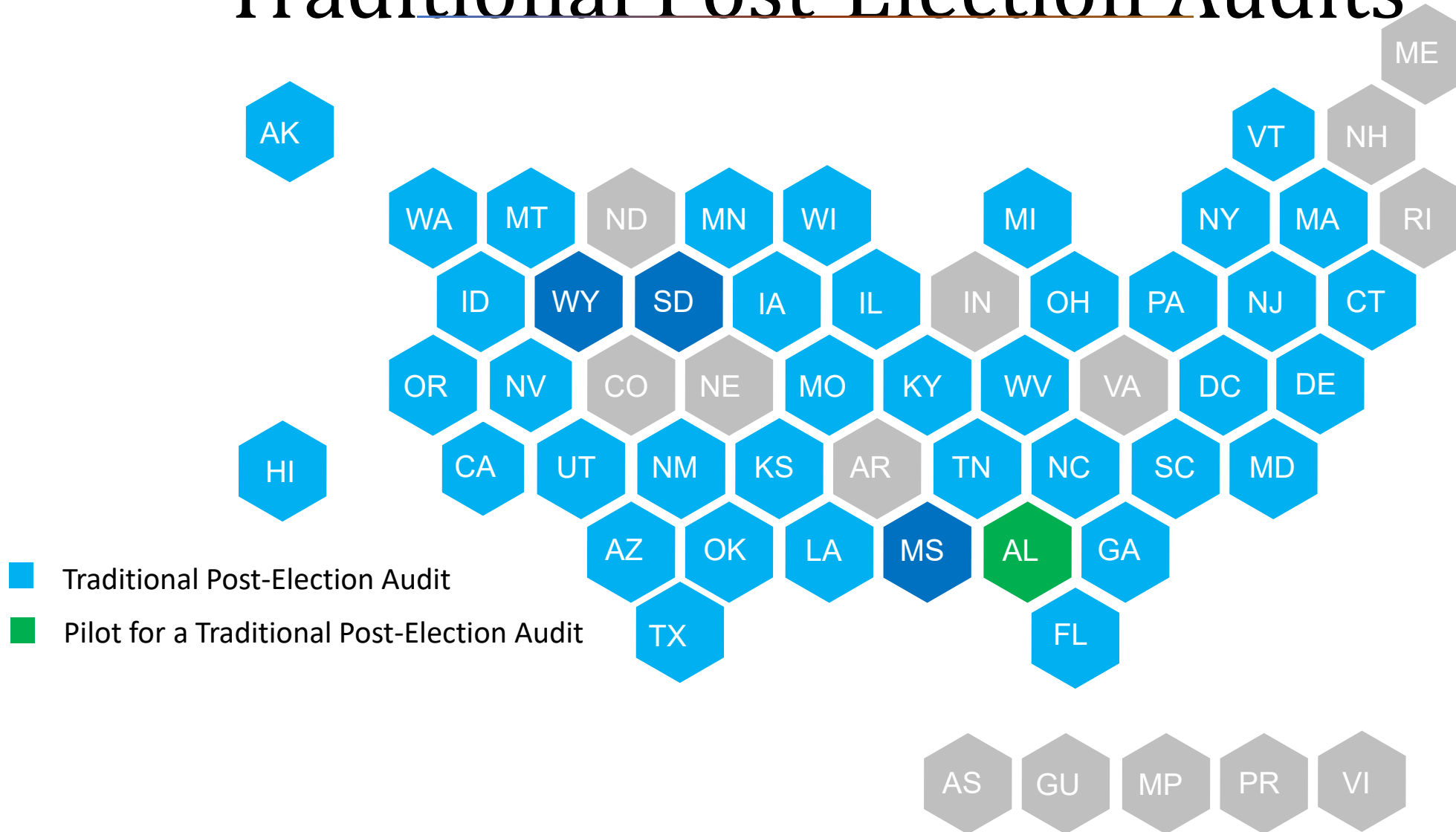
- 24 states prohibit
- AR, GA, and ID amended their existing prohibitions this year

## Electoral Count Reform Act

- CA, HI, and KS passed laws that put them in compliance with the federal law



# Traditional Post-Election Audits





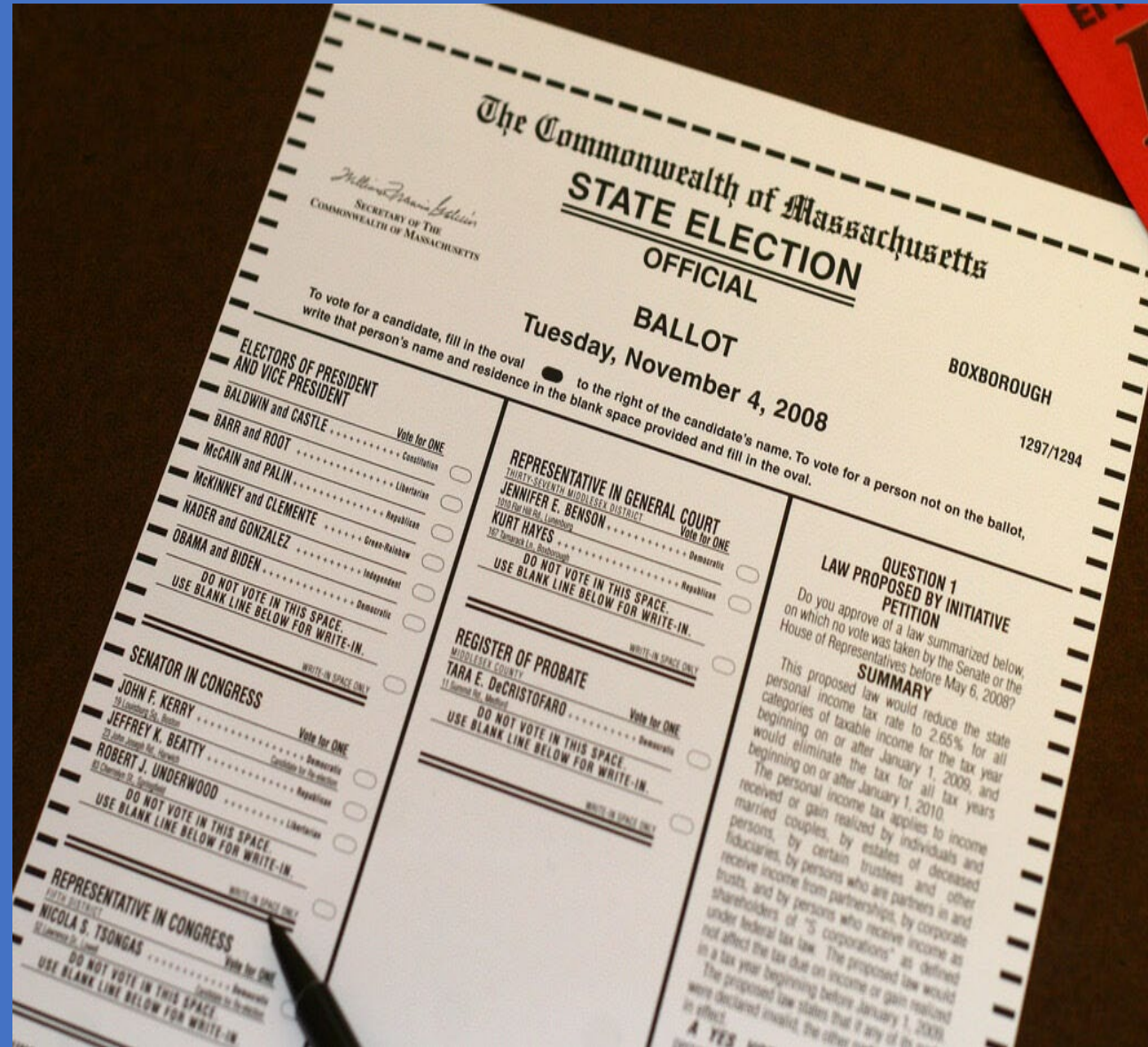
[elections-info@ncsl.org](mailto:elections-info@ncsl.org)



# Ballot Measures

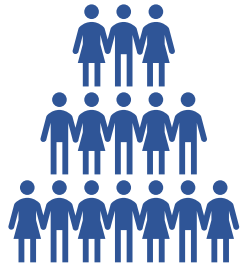
*What's been happening... and not happening*

Adam Kuckuk  
*Policy Analyst, Elections & Redistricting*





# Types of Ballot Measures



**Citizen Initiatives – Proposed by the people to bypass the legislature to enact statutes and, in some states, constitutional amendments**



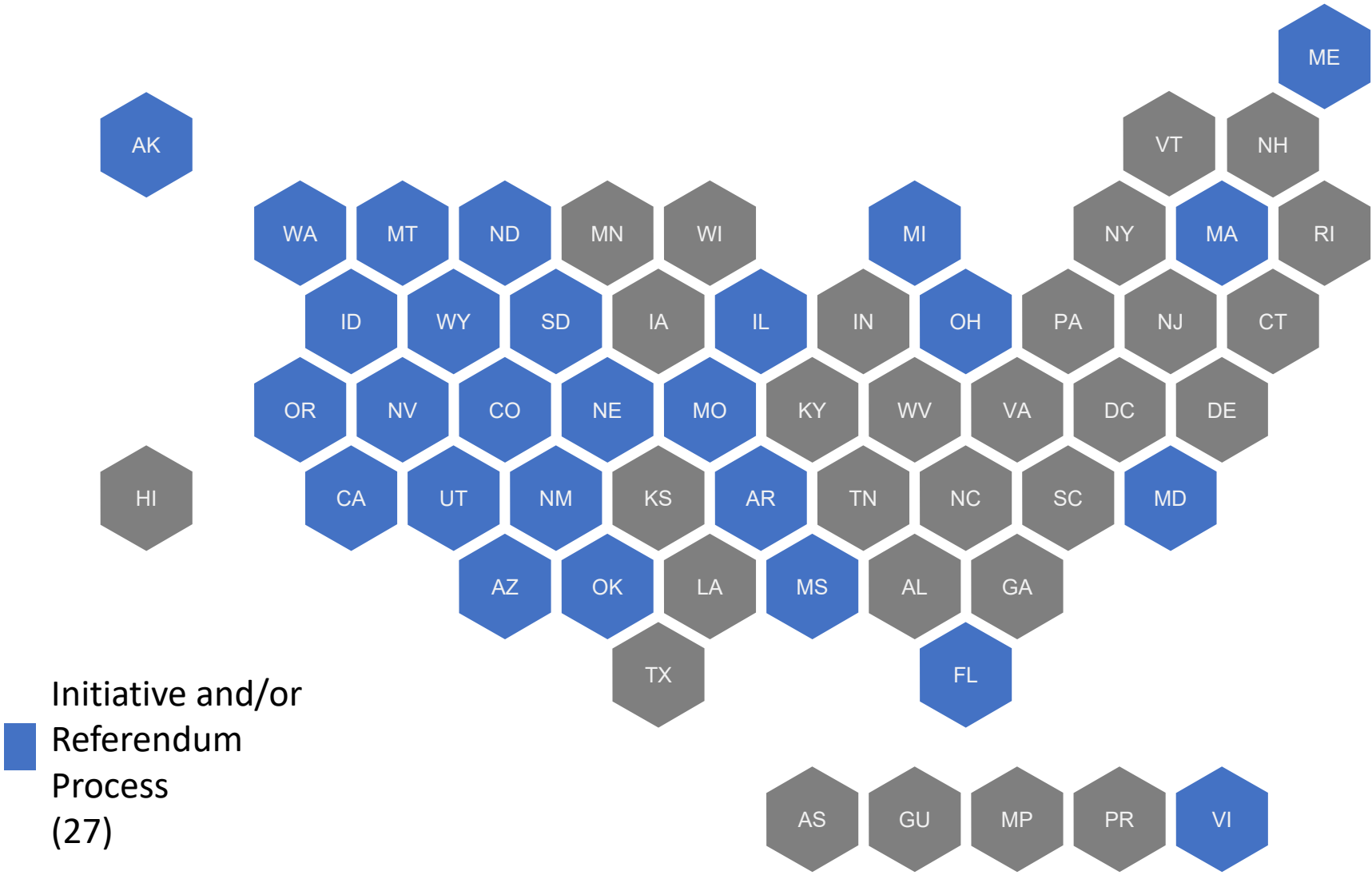
**Popular Referendums – Allows the people to repeal an act from the legislature**



**Legislative Referendums – An act that is proposed to the people by the legislature**



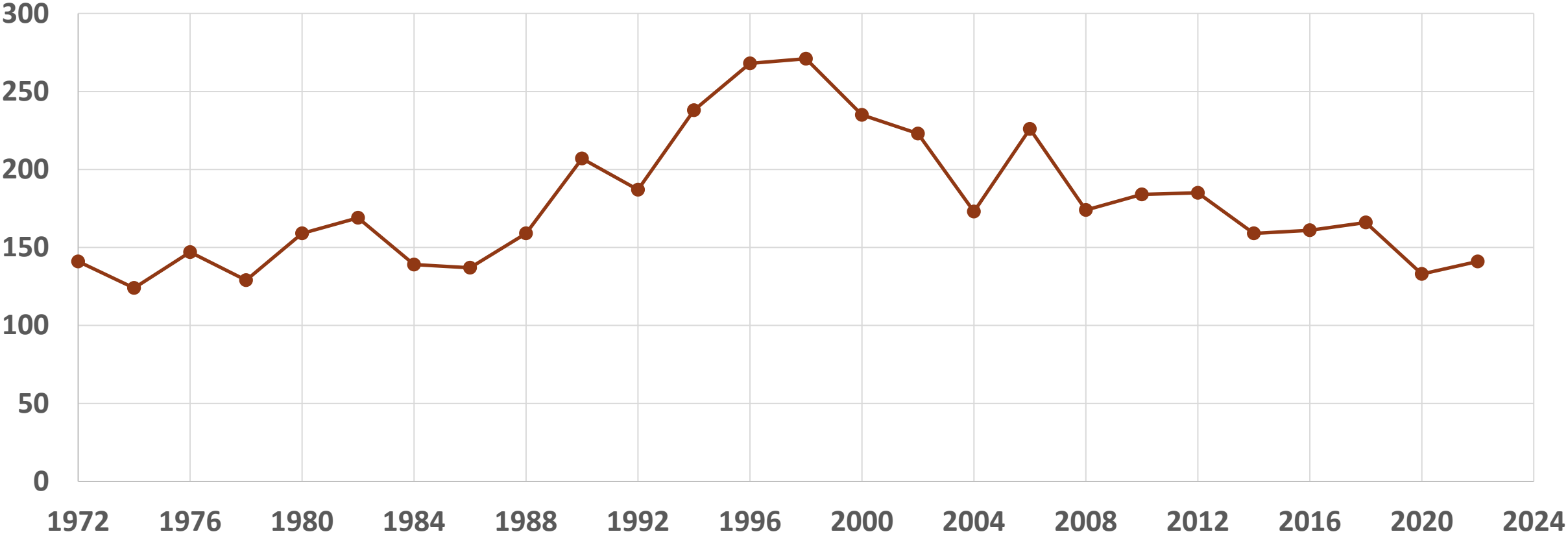
# States With Initiatives and Referendums



# Are Ballot Measures Relevant?



All Ballot Measures on the Ballot (Even Years)



# Ohio's Issue 1 Was Not Unique

## ARIZONA

**60% Vote for Ballot Measures on Taxes Amendment**

**Measure:** Proposition 132

**Election:** General - 2022

**Type:** Legislative Referendum

**Status:** **Pass** (Yes votes: 51%)



## ARKANSAS

**60% Vote Requirement for Constitutional Amendments**

**Measure:** Issue 2

**Election:** General - 2022

**Type:** Legislative Referendum

**Status:** **Fail** (Yes votes: 41%)



## SOUTH DAKOTA

**Increase to 55 Percent to Pass Constitutional Amendments**

**Measure:** Amendment X

**Election:** General - 2018

**Type:** Legislative Referendum

**Status:** **Fail** (Yes votes: 45.7%)



## COLORADO

**Increase to 55 Percent to Pass Constitutional Amendments**

**Measure:** Amendment 71

**Election:** General - 2016

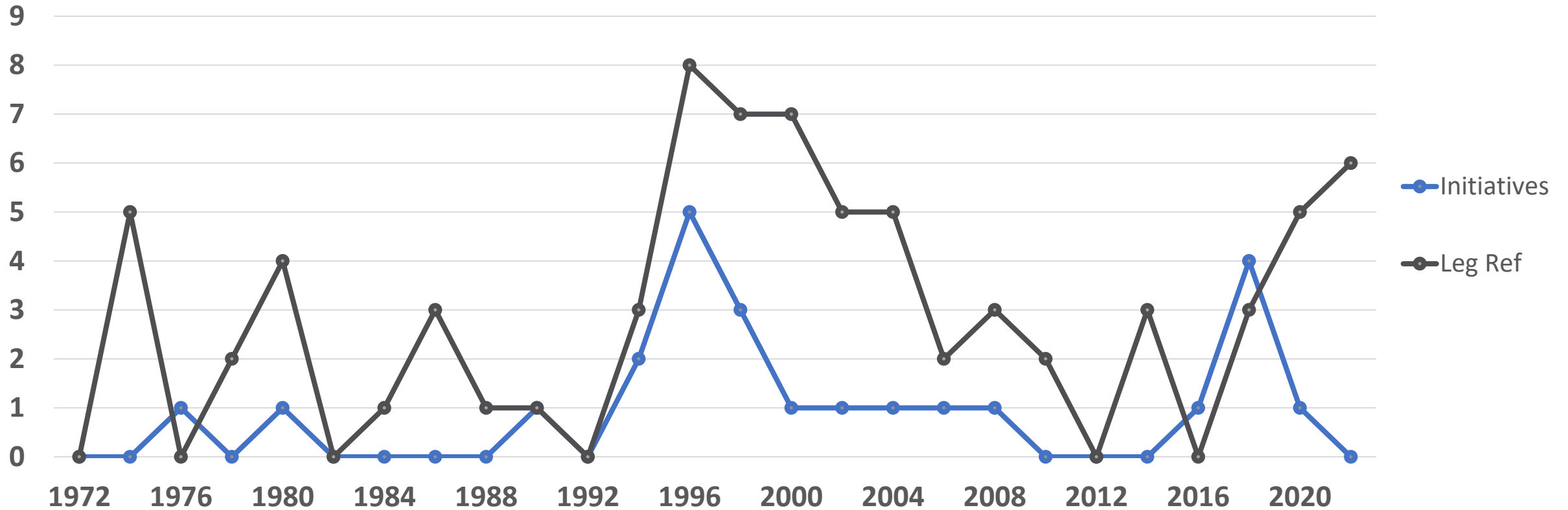
**Type:** Initiative

**Status:** **Pass** (Yes votes: 56.4% unofficial)



# Who Is Driving Changes on the Initiative Process?

## Citizen Initiatives vs Legislative Referendums on Initiatives (Even Years)



# 2023 Legislative Enactments Putting Up Guardrails



## Geographic

- [Arkansas HB 1419](#)
- [Montana SB 56](#)



## Signatures

- [Arkansas SB 377](#)
- [Montana SB 93](#)
- [North Dakota HB 1230](#)
- [North Dakota HB 1324](#)
- [South Dakota SB 113](#)
- [Utah HB 68](#)



## Title and Contents

- [Arkansas HB 1320](#)
- [South Dakota HB 1140](#)





# Conclusions: What's Been Happening... And Not Happening

Ballot measures not as popular as they were 25 years ago

Changes to the initiative process are not unheard of

- Several states have introduced measures to increase vote threshold
- Not many have been enacted

May be a trend in changing the initiative process (too early to say)

- Most changes are coming from the legislatures
- Vast majority of changes set up guardrails

Signature requirements the most common guardrail in 2023 legislation





# 2023 Action on Redistricting

Ben Williams

Principal, Elections & Redistricting Program





- Total Bills: **193**
- Enacted or Adopted: **29**
- Hot Topics
  - Inmate data reallocation (ME LD 1704, MT S 77)
  - Local redistricting (GA 134, GA 159, MN H 2204)
  - Technical changes to enacted plans (MT SJR 8)
  - Cleaning up statutory language (AZ HCR 2039, FL S 30)



While legislatures were quiet...

**YOU GET A LAW SUIT, YOU GET A  
LAWSUIT**

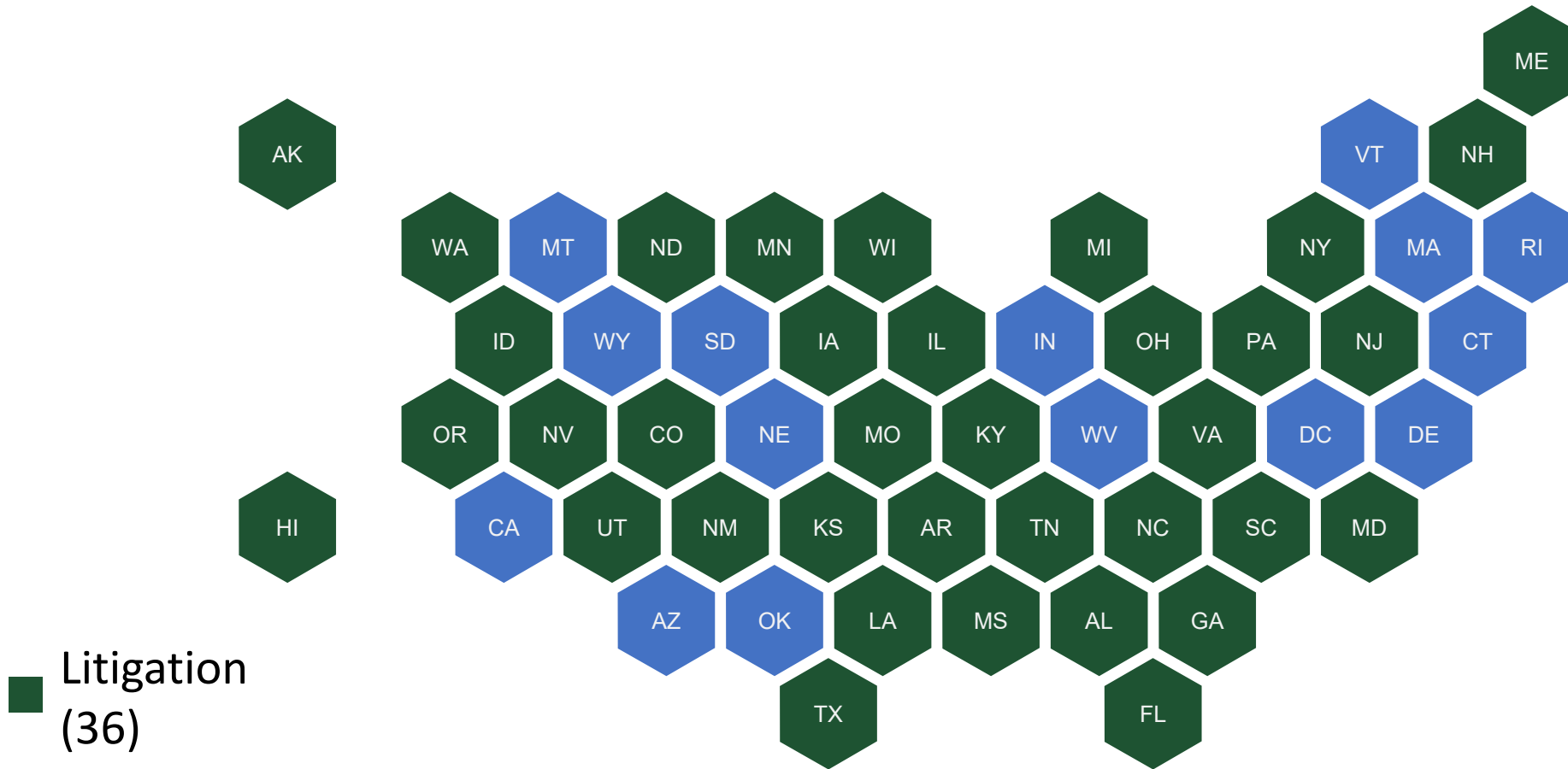


...courts were  
extremely busy!

**YOU ALL GET A LAWSUIT!!!**



# States With Redistricting Litigation This Cycle



Source: All About Redistricting



# Major Cases This Cycle



## Race in Redistricting

- Alabama: Voting Rights Act
- Georgia: Voting Rights Act and Racial gerrymandering
- Louisiana: Voting Rights Act
- South Carolina: Racial gerrymandering
- Tennessee: Racial gerrymandering



## State Constitutional Claims

- Alaska: Communities of interest
- New York: Improper commission procedure
- Tennessee: Improper numbering
- Wisconsin: Partisan gerrymandering







What's the road ahead?





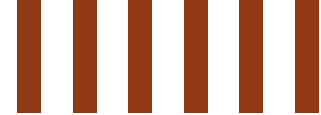


# NCSL Base Camp 2023



Nov. 8-9, 2023





# NCSL Forecast '24 - Austin



**NCSL FORECAST '24**  
PREPARING FOR LEGISLATIVE SESSIONS

Dec. 4-6, 2023







Thank You!

