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
2023 Legislation So Far

As of August 9, 2023:
• 1,929 introductions
• 195 enactments

In all of 2021:
• 3,677 introductions
• 293 enactments
Automatic Voter Registration

States with Automatic Voter Registration:
- AK
- HI

States with New AVR:
- WA
- MT
- ND
- MN
- WI
- IL
- IN
- OH
- PA
- NJ
- CT
- DE
- MD
- DC
- VA
- WV
- NC
- SC
- GA
- FL

States with No AVR:
- ID
- WY
- SD
- IA
- KS
- NE
- MO
- KY
- TN
- NC
- SC
- AL
- LA
- MS
- AZ
- OK
- UT
- NM
- AR
- MS
- AL
- GA
- FL
- AS
- GU
- MP
- PR
- VI

Map by National Conference of State Legislatures
Online Voter Registration

Online voter registration
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

No-Excuse Absentee Voting

Mostly-Mail Elections
Changes in Voting Modes 1996-2022

Data sources: Census Bureau, Voting and Registration Supplement, 1996 - 2020; SPAE, 2022
Prohibiting and Permitting Ranked Choice Voting Statewide

Prohibited 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

- Traditional Post-Election Audit
- Pilot for a Traditional Post-Election Audit
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

Initiative and/or Referendum Process (27)
Are Ballot Measures Relevant?

All Ballot Measures on the Ballot (Even Years)
Ohio’s Issue 1 Was Not Unique

<table>
<thead>
<tr>
<th>State</th>
<th>Measure</th>
<th>Election</th>
<th>Type</th>
<th>Status</th>
<th>Yes votes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ARIZONA</strong></td>
<td>60% Vote for Ballot Measures on Taxes Amendment</td>
<td>General - 2022</td>
<td>Legislative Referendum</td>
<td>Pass</td>
<td>(Yes votes: 51%)</td>
</tr>
<tr>
<td><strong>ARKANSAS</strong></td>
<td>60% Vote Requirement for Constitutional Amendments</td>
<td>General - 2022</td>
<td>Legislative Referendum</td>
<td>Fail</td>
<td>(Yes votes: 41%)</td>
</tr>
<tr>
<td><strong>SOUTH DAKOTA</strong></td>
<td>Increase to 55 Percent to Pass Constitutional Amendments</td>
<td>General - 2018</td>
<td>Legislative Referendum</td>
<td>Fail</td>
<td>(Yes votes: 45.7%)</td>
</tr>
<tr>
<td><strong>COLORADO</strong></td>
<td>Increase to 55 Percent to Pass Constitutional Amendments</td>
<td>General - 2016</td>
<td>Initiative</td>
<td>Pass</td>
<td>(Yes votes: 56.4% unofficial)</td>
</tr>
</tbody>
</table>
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 LAW SUIT

YOU ALL GET A LAW SUIT!!!

...courts were extremely busy!
States With Redistricting Litigation This Cycle

- **Litigation** (36)
- **No litigation** (15)

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

Dec. 4-6, 2023
Thank You!