



Trends from 2023 State Legislative Sessions

This report highlights trends from the past year's legislative session to help Leagues as they prepare for the 2024 legislative sessions in their states. As an organization dedicated to empowering voters and defending democracy, the League of Women Voters has closely followed these developments, analyzed their implications, and identified key trends that are shaping the electoral landscape.

LWVUS Advocacy Team
Advocacy@lww.org



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Introduction

In this analysis, LWVUS delves into the state legislative trends of 2023, examining the bills that became law. While the enacted laws reflect a range of attacks on equal participation in our democracy, there have also been strides towards positive democracy reforms to expand access to the ballot box. In the complex terrain of voting rights, it is evident that our democracy is impacted not only by the laws that were enacted but also by all of the advocacy work that influenced the legislative process. LWVUS recognizes the tireless work of League advocates around the country to protect our democracy and the rights of voters, so whether the bills or issues your League worked on this session are mentioned in this report or not, all advocacy you've done in support of our democracy is valuable and highly appreciated by LWVUS.

Making Democracy Work®

The recent 2023 state legislative sessions displayed a flurry of activity surrounding voting rights and democracy legislation. LWVUS closely monitored these developments and analyzed their implications for our democracy. Under the banner of Making Democracy Work®, LWVUS identified key trends that emerged this legislative session from the bills that states passed and signed into law. This analysis discusses these trends that will shape the future of our electoral system and their impact on our democracy.

Laws that Restrict Voting Access

Most of the democracy-related bills that were signed into law this year restricted access to the ballot box. Below are eight trends in restrictive voting measures and more information on how they impact voters.

Voter IDs

The introduction and implementation of voter photo ID laws across the country pose significant threats to equal participation in elections. These laws disproportionately affect minority voters who may lack current government-issued photo identification, perpetuate false narratives about voter fraud, and add unnecessary barriers to exercising the fundamental right to vote. Not only do these measures disproportionately impact Black, Native, elderly, and student voters, but they also fail to effectively address any real issues related to election integrity — the very thing advocates claim these measures are designed to do. In combination with the ineffectiveness of voter photo ID laws at preventing the exceedingly rare instances of voter fraud, the more likely results of voter photo ID laws are voter suppression and reduced turnout among vulnerable populations.

Idaho: [HB124](#) tightened residency requirements for voter registration and removed student ID cards from the list of acceptable IDs to vote.



Nebraska: [LB514](#) required a photo ID from the government or Nebraska postsecondary institution and required that mail ballots include a copy of a photo ID or driver's license or state ID card number.

Ohio: [HB458](#) required an unexpired photo ID for in-person voting, making it one of the strictest voter ID laws in the country.

Absentee Ballots

Mail-in voting has provided a practical and reliable method for many voters, especially those in rural, elderly, college, and low-income communities. However, this method of casting a ballot has faced intense scrutiny and legislation that would limit its availability.

Wyoming: [HB279](#) mandated photo ID for absentee ballots.

Indiana: [HB1334](#) not only added a photo ID requirement to submitting absentee ballots but also restricted assistance with filling out absentee ballot application forms.

North Carolina: [SB747](#) shortened timeframes for dropping off absentee ballots.

Ohio: [HB458](#) shortened the amount of time to send in and correct a ballot.

Arkansas: [SB258](#) banned drop boxes statewide.

South Dakota: [HB1165](#) banned drop boxes statewide.

Mississippi: [SB2358](#) prohibited submitting mail-in ballots on behalf of others, with few exceptions.

Voter Registration

Several states introduced legislation targeting voter registration during the 2023 session, which could impact the accessibility of voter registration. These laws add to a growing concern about potential barriers to voter registration and its implications for participation in elections. Overall, these provisions would complicate various aspects of voter registration and maintenance in the state.

Alabama: [HB209](#) made it a felony to assist someone in filling out an absentee ballot application.

Idaho: [HB340](#) mandated proof of identity and residence for voter registration.

Montana: [HB892](#) established misdemeanors for double voting and purposeful registration in multiple places.

South Dakota: [SB139](#) introduced a 30-day residency requirement for voter registration and redefined residence, also requiring voters to vote in their registered election precinct.

Florida: [SB7050](#), changed rules for requesting mail ballots, voter registration list maintenance processes, voter registration cancellation processes, election crimes, and enforcement.

Attacks on Voter Registration Groups like the League

This past session, there were a variety of attacks on independent voter registration groups like the League. While framed as election integrity measures, these laws place undue burdens on groups who seek to register voters, regardless of party.

Alabama: [HB209](#) shortened the time frame for voter registration groups to deliver registration applications and required receipts for collected applications.

Florida: [SB7050](#) imposed new rules and fines for noncompliance on voter registration organizations.



ERIC

The Electronic Registration Information Center (ERIC) is an interstate compact for sharing voter registration data which, until recently, comprised 33 states plus Washington, DC. The system has been operating to ensure the security and integrity of elections without incident for years. Throughout this legislative session, eight states have withdrawn from ERIC, with more potentially following suit. These resignations looked different in the various states that withdrew from ERIC. For instance, Texas passed a bill, whereas Louisiana opted out by decree from the Secretary of State. It is anticipated that other states may follow suit next legislative session by withdrawing from ERIC via legislation. While some states, like Texas and Virginia, say that they plan to create their own data-sharing networks, the challenges of establishing a new system are significant. Replicating the accuracy and effectiveness of ERIC would require substantial time, resources, and technical expertise. The exodus from ERIC could lead to less accurate and up-to-date voter rolls, complicating election administration and further eroding public trust in voting systems.

As of the publication of this report, the states that have left the compact are **Alabama, Florida, Iowa, Louisiana, Missouri, Ohio, Texas, and West Virginia.**

Voter Purges

Voter purging is a practice that involves removing voter records from registration lists, which can result in the unjust disenfranchisement of eligible voters. While aimed at maintaining accuracy, it can be manipulated to disproportionately target certain communities or individuals, leading to the suppression of their voices in our democracy. Without proper safeguards and transparent criteria, voter purging can undermine the fundamental principle of equal access to voting rights. Sometimes these purges come from legislation directing the state to purge voters and laying out the criteria for doing so. Some Secretaries of State are able to purge voters from the rolls based on their own directives, as was the case in [Ohio](#) and [Kentucky](#) this session.

Mississippi: [HB1310](#) allowed voters to be purged from voter rolls and moved to an “inactive” list more quickly and easier than before. The new process will have local election commissioners send a postcard to notify a registered voter of their pending removal if they did not cast a ballot in any local, state, or federal election during a four-year period that includes two presidential elections. A lack of response from the voter would constitute a removal of their voter registration.

Threats to Direct Democracy

Several states attempted to hinder the referendum process, making it more challenging for citizens to enact laws or constitutional changes via ballot initiatives. These restrictions limit voters' ability to hold legislators accountable, irrespective of their ideological preferences. Notably, these efforts come shortly after reproductive freedom advocates succeeded in passing ballot initiatives to protect the right to bodily autonomy in California, Kansas, Kentucky, Michigan, Montana, and Vermont.

Ohio: [SJR2](#) increased the threshold for passing a ballot initiative from 50-plus-one% to 60%. Voters made their voices heard in a special election in August 2023, with the majority of voters rejecting the



increased threshold for direct democracy. Now, after the special election in Ohio, voters have regained their simple majority threshold for the constitutional amendment process.

Arkansas: [HB1419](#) changed the process of getting a constitutional amendment proposal on the ballot. The law now requires petition signatures to be gathered from 50 out of the state's 75 counties, instead of the previously required 15 counties. The law presents challenges for grassroots movements, as they would now have to gather signatures from a larger number of counties, giving organizations with more resources an advantage.

Election Funding

State legislatures have increasingly introduced bills that ban certain sources of election funding, limiting the resources available to election officials. As it stands currently, election offices are often faced with budget shortfalls and insufficient resources, so now is not the time to further disadvantage election officials.

Montana: [SB117](#) banned officials from accepting private donations for election administration.

Louisiana: [HB311](#) proposed an amendment to the state Constitution that would ban the use of private grants to fund election administration. The bill was signed by the Governor, which will allow the proposed state constitutional amendment to be brought to voters in a ballot measure.

Laws that Expand Voting Access

In contrast to the sections above, some states passed laws in 2023 that broaden access to voting and facilitate easier participation in the electoral process. The tireless work of League members is evident in many of these pro-voter reforms. Pro-voter laws that passed in 2023 include expansion of voter registration opportunities, restoration of voting rights for formerly incarcerated people, and much more. Importantly, these laws expand the franchise across the country at a time when fortifying our democracy is as important as ever.

Democracy Restoration

State governments have the power to determine whether citizens with a felony conviction should be allowed the right to vote. Felony disenfranchisement laws affect an estimated 4.6 million Americans. These harmful laws perpetuate racial inequity and create confusing standards for voters. This session, multiple states reversed their laws that had previously denied the right to vote to individuals who were previously convicted of a felony.

Minnesota: [HF28](#) restored voting rights to over 55,000 Minnesotans on parole, probation, or community release due to a felony conviction.

New Mexico: [SB8](#) restored voting rights to individuals with felony convictions upon release from prison. The law also established automatic voter registration, created a permanent absentee ballot list, and provided dedicated protections for Native American voters.



Voter Registration

Voter registration is the key to ensuring that all Americans can make their voice heard. The wide array of changes to voting policy in recent years make it even more crucial that voters have access to register or update their registrations. This session, some states expanded opportunities for voter registration – an investment in empowering voters to make their voice heard.

Minnesota: [HF3](#) allowed 16- and 17-year-olds to pre-register to vote, established automatic voter registration, permitted voters to “opt-in” to a permanent absentee voter list, and expanded access to non-English voting materials. Minnesota also established 18 days of in-person early voting, restricted problematic challenges to voter registration, expanded employees’ right to take time off work to vote, included an additional option for students to prove residency for voting purposes, and authorized the state to join the National Popular Vote Interstate Compact.

Washington: [SB5112](#) expanded automatic voter registration practices to include interactions with any state agency that requires proof of US citizenship. [SB5208](#) allowed voters to register online using the last four digits of their Social Security number. [SB5153](#) allowed 17-year-olds to vote in a primary election if they turn 18 before the corresponding general election.

States’ Voting Rights Acts

Several states have sought to implement state-level Voting Rights Acts to fight discrimination in voting – especially as the federal government has failed in recent years to install similar protections for voters. Many proposed state-level Voting Rights Acts did not pass this session, so it is likely that states will continue pursuing Voting Rights Acts in future legislative sessions.

Connecticut: [SB1226](#), the *John R. Lewis Voting Rights Act of Connecticut*, was signed into law as part of the state's budget. The legislation protects historically disenfranchised communities from discrimination at the ballot box and includes key protections that were once part of the federal *Voting Rights Act*. It requires municipalities with a history of voter discrimination to receive preclearance from the secretary of state or a superior court before implementing changes to election-related policies, prohibits actions that interfere with the voting rights of protected class members, and provides recourse for residents facing intimidation or obstruction. The law also mandates the creation of a publicly accessible database for elections and demographics information.

Protecting Election Officials

In the wake of increased hostility towards election workers, some states have moved to protect them from harassment and intimidation. In the cases of laws that expand criminal penalties for harassment of election officials, the League recognizes that there is an intersection with our criminal justice work, as these criminal penalties could be used to target people of color and other groups who have historically been disproportionately brought into the criminal justice system. As a result, the League does not support increasing criminal penalties as a means to protect election officials; rather, laws banning firearms at polling places and allowing election officials to apply for restricted voter records status to protect their residential addresses from public disclosure are better strategies to address the issue of voter and election official intimidation.



Nevada: [AB354](#) banned the possession of firearms within 100 yards of an election site. This law pushes back against the kind of voter intimidation that is all too common in states that allow for the open carry of firearms.

Oklahoma: [SB481](#) allowed certain election officials to apply for restricted voter record status to protect their residential addresses from public disclosure.

Washington: [HB1066](#) banned guns from polling places.

Making Democracy Work® Summary

In conclusion, a range of voting bills were passed this year, as national focus has been piqued by democracy issues. Through the essential work of giving testimony, sending action alerts, and joining in coalition to advocate together, Leagues around the country achieved victories to benefit voters. Overall, the legislative landscape highlights the ongoing battle to preserve and strengthen democratic ideals in our nation.

While this report focuses on the bills that became law, there are also trends to be observed in the form of bills that were proposed but not passed. Many bills that sought to limit voting access were stopped before becoming law because of the great advocacy work that was undertaken by Leagues and pro-voter advocates around the country.

In Kansas, for example, [SB209](#) was introduced this session to require mail-in ballots to be returned by 7pm on Election Day — a disappointing shift from the state’s policy that allowed mail-in ballots to arrive up to three days after Election Day and still be counted. The bill was sent to Governor Laura Kelly’s desk and vetoed. An attempt in the House to override the veto failed. This was possible because of the pressure that was applied to these legislators by coalitions including the League of Women Voters of Kansas. The same is true of [HB209](#) in Alabama, which would have criminalized activities related to distribution of and assistance with absentee ballots, limited who can provide support to voters, and potentially hindered get-out-the-vote volunteer organizations. The bill passed the state House but failed in the Senate.

Other Trends Outside of Making Democracy Work®

There are many other issues beyond those in the campaign for Making Democracy Work® that impact people’s ability to participate equitably in our democracy. When a voter’s rights are limited in other spheres of their life, participating in the democratic process can become more difficult. Unfortunately, systemic inequalities in our country often make it more difficult for members of historically disadvantaged groups to cast their ballot. Consequently, the League tracks numerous issues of voters’ rights that are not frequently labeled “democracy issues.” The prevailing trends from this legislative session outside of Making Democracy Work® are detailed below.

Attacks on the Transgender Community

Amidst a wave of legislative attacks against the LGBTQ+ community, the rights of transgender individuals — particularly their right to gender-affirming care — are under threat across multiple states.



Gender-affirming care is essential health care that supports the well-being of transgender and gender-diverse people by providing medically necessary, evidence-based medical, psychological, behavioral, and social services that affirm a person's gender identity. Denying access to this care can have severe repercussions. Gender-affirming care has been endorsed by at least 30 major medical associations, including the American Academy of Pediatrics and the American Medical Association, and is associated with reduced likelihood of depression and suicidality in transgender and non-binary youth. While many proposed bills target access to gender-affirming care for trans youth, there is also a growing trend of impeding the rights of trans adults. Furthermore, several states have introduced bills that would restrict transgender individuals' use of public restrooms and locker rooms, despite evidence showing that such restrictions increase the risk of sexual assault for transgender and gender-nonbinary teens.

Arkansas: [SB270](#) requires individuals to use bathroom facilities that correspond to their sex assigned at birth, disregarding their gender identity. Similar "bathroom bills" have been advanced in 11 additional states, perpetuating harmful stereotypes and endangering transgender individuals by denying them access to safe and inclusive spaces.

[Attacks on Reproductive Rights](#)

Following the overturning of *Roe v. Wade* in June of 2022, there was a nationwide eruption of laws that restrict access to reproductive care. Since the 2023 legislative sessions began, many states swiftly enacted legislation to restrict or ban abortion, resulting in the passage of laws that effectively prohibit abortion in nine states. These state-specific laws that were passed in 2023 include gestational limits, exceptions for certain circumstances, and additional restrictions on health care providers. Below is a list of anti-abortion bills signed into law in 2023:

Florida: [SB300](#) prohibited abortion after six weeks and established exceptions for cases of rape, incest, or human trafficking until 15 weeks.

Idaho: [HB242](#) became the first law in the United States to explicitly restrict out-of-state travel for abortions, imposing penalties of two to five years in prison for assisting a pregnant minor in accessing abortion services in another state without parental consent. Notably, this came on the heels of a trigger ban that went into effect in Idaho following the overturning of *Roe v. Wade*.

North Carolina: [SB20](#) banned abortion after 12 weeks of pregnancy with narrow exceptions and imposed stringent restrictions on abortion in those cases, including mandatory hospital access, multiple in-person appointments, and reporting requirements for cases of rape or incest. SB 20 faced a veto by the governor, which was subsequently overridden by the General Assembly.

North Dakota: [SB2150](#) became one of the most restrictive abortion bans in the US, allowing exceptions only for cases of rape or incest within the first six weeks of pregnancy, before most even know they are pregnant.

Nebraska: [LB574](#) banned abortion care after 12 weeks, limiting access to abortion services and forcing individuals to seek care out of state or carry to term. The bill also included restrictions on medical care for transgender youth.



South Carolina: [SB474](#) banned abortions after fetal cardiac activity is detected, or about six weeks into a pregnancy, with narrow exceptions for proven fatal fetal anomalies, rape, incest, or to protect the pregnant person's life.

Tennessee: [HB883](#) mandated a near-total abortion ban with very narrow exceptions for ectopic or molar pregnancies and situations where the pregnant person's life is in danger.

West Virginia: [HB3199](#) amended the state's strict abortion surveillance law to no longer require that the termination of ectopic pregnancies be reported. This revision amended a draconian new abortion law in the state.

Wyoming: [HB152](#) legislated that abortion is not defined as health care, criminalized providers who perform abortions, and included provisions to allow lawsuits against those providers.

Equal Rights Amendment

The Equal Rights Amendment (ERA) is a proposed amendment to the US Constitution that prohibits discrimination on the basis of sex. In the 2023 legislative sessions, some states made progress in enacting state versions of the ERA. It is likely that states will continue this trend in future legislative sessions.

New York: [S108A](#) would pose a ballot measure to voters with the choice to adopt a New York Equal Rights Amendment. The bill passed in both the Assembly and Senate this session. If it receives the Governor's signature, then, in 2024, voters will have the choice to amend New York's Constitution to enshrine equal protection of the law on the basis of characteristics which are not currently explicitly protected in the Constitution. The additional characteristics that would be protected include "sex, sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy." If approved by voters, New York would become the first state to have an ERA that explicitly safeguards reproductive rights.

Illinois: [HJR0020](#) was a statement bill that the legislature passed this session to affirm the state's support for the federal ERA.

League Advocacy Trends

This year, LWVUS gathered information from Leagues across the country about their top advocacy priorities. This information was gathered through an online survey and focus group sessions moderated by LWVUS to gain critical feedback about League priorities and advocacy efforts.

The survey revealed that 90% of Leagues use *Impact on Issues* over the course of a year to effectively apply LWVUS policy positions at the national, state, and local levels. In terms of the issues that Leagues set as their highest priority, the focus was relatively consistent across the country. More than half of the Leagues surveyed identified their top legislative priorities as follows:

Gun Safety: 50%

Environment: 51.6%

Reproductive Rights: 53.2%



Education: 61.3%

The survey also asked about Leagues' experiences working with their legislators. For example, we asked about whether elected officials' offices were responsive to email, willing to set up meetings, amenable to open-minded discussion, and more. The results were understandably mixed, with only 15% of Leagues responding that that it was "very easy" to work with legislators, a similar percent (14%) reporting that it was "very difficult" to work with legislators, and everyone else falling in the middle. In this work with legislators, Leagues also reported on the tools they used to advance their legislative efforts, the top results were as follows:

Legislative Testimony: 50.7%
Op-ed and LTE writing: 50.7%
Virtual Meetings with Legislators: 49.3%
League Interest Groups: 41.1%
Press Releases and Earned Media: 41.1%

This valuable feedback informs LWVUS advocacy strategies to complement the work of Leagues across the country. We are committed to working together to make a meaningful impact on critical issues at all levels of government. Continued data collection like the results above ensures that we remain effective advocates for our communities.

Conclusion

As we reflect on the Making Democracy Work[®] initiative, it is evident that state legislatures have introduced bills that pose significant threats to the administration of elections. Laws that granted unprecedented authority to overseeing election offices, banned private donations for election administration, implemented restrictive voter ID rules, restricted access to absentee ballots, and impeded direct democracy have introduced barriers to equal participation, disproportionately affecting marginalized communities. These trends underscore the need to safeguard the principles of fairness, transparency, and equal access to the electoral process in our ongoing battle to uphold democratic ideals.

However, amidst these challenges, there have been positive developments in the form of expansive democracy reforms. Some states have enacted laws that broaden access to voting by restoring voting rights, implementing automatic voter registration and passing state-level Voting Rights Acts to fight discrimination.

While the focus of this analysis is enacted state laws, it is important to recognize the impact of League advocacy on bills that did not pass. Leagues put in countless hours of advocacy work to prevent harmful bills from becoming law and to further the conversation on legislation that expands our rights — even if



those bills did not pass this session. The story of these legislative sessions extends beyond the laws that passed, demonstrating the power of advocacy in shaping the democratic landscape.

In conclusion, the state legislative trends of 2023 have brought forth both challenges and opportunities for our democracy. While there are concerns regarding the erosion of voting rights, there is also cause for hope in the reforms passed this year that enhanced access to the ballot box. The ongoing advocacy efforts of Leagues around the country and dedication to Making Democracy Work® are vital in safeguarding our democratic ideals and ensuring equal rights for all.