2021 Election Legislation, A Sampling (Prepared for NASED)

Wendy Underhill, Director, Elections and Redistricting

August 19, 2021
Strengthening the legislative institution.

Serving 7,383 legislators and 25,000 staff.
2021 Was a Busy Year in Legislatures.
Today’s Outline

Topics New This Year

Evergreen Topics

Cybersecurity and Technology
Topics New This Year
Arizona
Indiana
Kentucky
Virginia
Vermont

Latest thinking: can problems be cured by text?

Ballot Curing
Ballot Collection
- IA, MT
- Aka “ballot harvesting” to some
- Now, 43 states have some form of ballot collection limit; most restrict to a family or household member.

Ballot Drop Boxes
- FL, GA, HI, IA, IL, MD, MN, VA
- Previous laws stipulated security features (mostly)
- New laws go in several directions
- Now, at least 17 states address drop boxes in statute
- AZ and AR—can’t distribute applications
- IN, ME, LA, ND—prepare ballots for counting before election day
- KY—online portal to request a ballot (others?)
Prohibitions on Accepting Outside Funding
Evergreen Topics
Our big topics

Early Voting
- KY added it
- IA and LA reduced it slightly

Absentee Voting
- MA adopted for 2021

All Mail Voting
- NV and VT adopted
- CA adopted for 2021

Voter ID
- WY and AR adopted new or stricter laws
- MO, NE & PA may get it on 2022 ballots

Registration
- DE, HI—AVR
- ME—OVR
- MT repealed EDR
- AL, NE & OK joining ERIC
<table>
<thead>
<tr>
<th>ELECTION POLICIES</th>
<th># States 2000</th>
<th># States 2020</th>
<th>Changes 2021 so far</th>
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<td>Voter ID</td>
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<td>Online Voter Registration</td>
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<td>Election Day Registration</td>
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<td>Early In-Person Voting</td>
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<td>All Mail Voting</td>
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<td>Felon Voting Rights 2009 – 2020: 17 (relaxed) 2 (restricted) 2021: 3 states + DC relaxed laws further</td>
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Ranked Choice Voting

This is about whether “majority rule” is the preferred approach.

- Colorado: Allows in local elections
- Georgia: For military & overseas voters
- Maine: Further tweaks
- Utah: Allows pilots in municipalities
## Enactments on Voting for People with Disabilities

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2021 Enactments on Voting for People with Disabilities

- **Colorado**: Emergency absentee ballots can be sent and returned electronically.
- **Montana**: All elections must be accessible; voter’s agent can’t be employer, etc.
- **Nevada**: Permits electronic transmission for voter registration and voting in both directions.
- **Virginia HB 2020**: Allows candidates with disabilities (and overseas citizens) to become candidates.
- **Virginia SB 1331**: Creates requirement for a tool for voters to receive and mark absentee ballots electronically.
Cybersecurity and Tech
Cybersecurity laws enacted in 2021

**Arizona**
Requires security for all physical or electronic access to voting machines or electronic pollbooks.

**Montana**
Requires adoption of rules defining and governing election security, including conducting security assessments and providing an annual report.

**Arkansas**
County election boards must certify to the SOS that the county has a secure electronic connection to prevent unauthorized access to electronic pollbook, voter registration database, voting equipment and materials.

**Washington**
Protects from disclosure election operation plans, security risk assessments and other security records.
Thanks to Jennifer Morrell for this slide!
Other Topics

- Voter list maintenance
- Felon voting (CT, LA)
- Primaries (not so much)
- Presidential electors (noise, not action)
- Preventing double voting (AL)
The Canvass: August 2021

8/2/2021

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