



# Democracy & Voting Policy Priority Brief

## Voting Access

### What does it mean to expand voting access?

**Expanding Voting Access** refers to a wide range of measures and policies that will accommodate diverse schedules and individual needs of voters, especially those in marginalized communities, and make the right and ability to participate in the electoral process - whether for local, state, or federal elections - easier and unburdened by undue difficulty. By implementing measures that expand access to voting for all eligible voters, we can create a more inclusive and representative electoral process, ensuring that all have an opportunity for their voice to be heard.

### Voting Access in the South

While the right to vote in the United States is protected and regulated by several amendments to the Constitution, it is not explicitly guaranteed as an absolute right for all citizens. States have the ability to determine voter eligibility, registration processes, and the administration of elections. Consequently, there can be significant variation in voting laws and access across different states.

In recent years, voting access has become an issue of increasing significance, influenced by changes in law, technology, demographics, and politics. The 2013 Supreme Court decision in *Shelby County v. Holder*, which invalidated key provisions of the Voting Rights Act of 1965, allowed states with a history of discrimination to change voting laws without federal approval, opening the floodgates to various changes in voting procedures, many of which make it more difficult for people to cast their ballots in elections. As a result of the invalidation of the preclearance requirement, many Southern states began to enact laws that changed access to voting, including the implementation of burdensome voter ID laws, reduction in early voting, closure of polling places, changes to voter registration rules, and systematic purging of voter rolls. Until we see Congressional action related to voting rights, such as through the passage of the Freedom to Vote Act and the John R. Lewis Voting Rights Advancement Act, we can expect that we will continue to see efforts to make it more difficult for people to vote, such as those explained more below.

In 2023, more restrictive and expansive voting laws were enacted than in any year in the last decade, and much of the same was expected in 2024. Included in those laws enacted in 2023 were an Arkansas law that makes it more difficult for voters to acquire a mail ballot, a Florida law that imposes new requirements on get-out-the-vote groups and increases financial penalties for human error, a Mississippi law that makes it a crime in most instances to assist another voter in returning a mail ballot, and a Texas law that allows counties to consolidate polling places. Conversely, many lawmakers sought to expand the access to the vote in the South, including in a law in Georgia that extends state employees' paid time off for voting to include in-person early voting, and a Louisiana law that improves the enforcement of laws guaranteeing accommodations for voters with disabilities.

Many of the more restrictive laws that have been enacted don't necessarily make our election systems more sound and secure, but instead, discourage people from participating in our democratic processes by making it harder for them to cast their ballots and make their voices heard.

## **How Expanding Voting Access Improves Equity in the South**

Expanding voting access is a critical step to advancing equity in the South as it ensures that all eligible voters, regardless of race or economic status, have equitable opportunities to participate in elections. Restrictive voting laws have an unfair burden on marginalized communities as historically, minority voters in the South have faced numerous barriers to voting. Measures like early voting, mail-in voting, and automatic voter registration help dismantle these barriers, providing better access to the polls. For example, early voting and mail-in voting can reduce the impact of long work hours and limited transportation options for low-income voters, making it easier for them to participate (Brennan Center for Justice, 2022). Additionally, making polling places accessible and providing various ballot formats ensures disabled voters can fully engage in the electoral process. Moreover, reducing the strictness of voter ID laws or providing free and accessible ways to obtain necessary identification can help ensure that all eligible voters can meet ID requirements without undue hardship.

## **Legislative Efforts Related to Voting Access**

1. **Virginia:** enacted HB 1330, which will allow eligible voters who are in jail awaiting trial or following a misdemeanor conviction to vote by absentee ballot and requires the institution detaining them to provide the means for the voter to do so.
2. **Virginia:** enacted HB 441/SB 605, removing the requirement that a voter have a "physical" disability to be able to vote and receive assistance outside of a polling place.
3. **Kentucky:** HB 580 was enacted with several provisions that expand access to voting through absentee ballots. Under this new law, residents of Kentucky can now vote absentee if they will be out of town during the early voting period even if they will be

present on Election Day. This new law will also allow mail ballots to be sent to addresses other than the one on file with the registration (such as for students living away at school), and allows health care workers to return absentee ballots on behalf of voters.

- 4. Mississippi:** Senate Bill 2576 will now allow voters to use an outdated or undated ID to vote.