STORMING STATE CAPITOLS

Voting rights, election integrity, and voter confidence in 2022

A project by the Democracy Initiative Education Fund

APRIL 2022
“They’re making it harder and harder to vote. But they’re not going to stop me from voting.”

Glenda Walker, 66, a DeSoto, Texas voter who voted in person this year after a state law imposed new restrictions that vastly increased the number of rejected mail-in ballots. 

Washington Post, March 1, 2022
On January 6, 2021, Americans turned on their televisions and stared in disbelief at images of a violent mob storming the front steps of the U.S. Capitol. The goal of the insurrectionists was to disrupt a national election, disenfranchise voters, and interrupt the peaceful transition of power. Millions asked: Could this be happening in the United States of America, the bedrock of democracy?

Americans and the world quickly learned that it could. The United States, it turns out, is not immune to the kind of attacks against basic voting rights and the peaceful transition of power that we decry when witnessed in other countries.

Less visible has been the storming of state capitols by those who want to eliminate access and restrict voting rights through legislation designed to disenfranchise voters in multiple ways. There are new roadblocks to voter registration, limitations to early voting and vote-by-mail, and even potential interference with the reliable and secure counting of votes.

In 2021, nineteen states passed 34 laws restricting voter access. Both new and previously registered voters will face challenges in these states. Sweeping and restrictive changes to election law are certain to sow confusion while creating uncertainty on how and when to vote. New bills being introduced in statehouses across the country this year will contribute to yet more uncertainty.

However, it is important to note that not just one law or a single legislative session significantly changes overall voting rights in a given state. It is the culmination of legislative assaults and court rulings over a period of time for which the average voter is often left unaware of their diminished rights. It is also not just one aspect of the election process that is under attack, but several elements of that process that are weakened to undermine election integrity. There are multiple steps involved from registering to vote to having a ballot counted correctly and without interference.

In addition, voters enter the 2022 election season surrounded by widespread conspiracy theories, false claims of voter fraud, disinformation campaigns, and election maps that more often reflect partisan gerrymandering rather than the fair representation of all voters. In 2021, 13 states passed laws that shifted the election authority to allow the potential of partisan actors to undermine election results. Another alarming sign about the future integrity of our future elections is that 20 state-level candidates now running for secretary of state – the office that typically oversees election administration – are running on platforms that question the legitimacy of the 2020 election.

The recent failure of the U.S. Senate to pass the John R. Lewis Voting Rights Act eliminates any possibility that federal, uniform election standards will protect the right to vote for all Americans before the 2022 general election regardless of where they live. The critical question for our nation now is: How much confidence can we place in our electoral system?

Assessing voter confidence in this changing landscape

The Democracy Initiative Education Fund (DIEF), which supports a coalition of 75 civil rights, environmental, labor, and civic organizations dedicated to democracy building, has prepared Storming State Capitols. The main goal of this project is to provide a glimpse of expected voter confidence levels prior to the 2022 primary elections. American voters rely on the election process to be effective in representing their voices and instill confidence that their participation will be worthwhile. How confident will voters be in their state’s election processes in 2022?

We identified three areas which are key to understanding the current environment for voting rights and democracy in the United States:

- The experiences of voters exercising their rights during the 2020 election.
- How any state measures passed since the last election will affect voter access.
- How each ballot will be processed and counted in 2022.

2 Arizona, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Montana, Nevada, North Carolina, Ohio, and Texas
The main question guiding this project has been:

What are the elements of the election process that will influence voters’ sense of belonging, security, and trust as they attempt to exercise their right to vote in 2022?

In preparing Storming State Capitols, DIEF relied on the work of several national and international experts in democratic elections to guide us in identifying widely accepted standards and best practices for fair and inclusive elections. From December 2021 through January 2022, staff gathered available information about voters’ rights, access, and experiences across each of the 50 states and the District of Columbia. We reviewed publicly available data from government websites and media outlets related to the electoral experience, as well as new state voter laws enacted since the 2020 elections. Additional sources included in-depth research and reports from Common Cause, Demos, the Election Assistance Commission, the National Council of State Legislatures, the Pew Research Center, the Voting Rights Lab, the Brennan Center for Justice, and the Brookings Institute, among others.

The DIEF team created a 10-index compendium to evaluate various aspects of the electoral process:

1. Voter Registration
2. Voter Identification
3. Early Voting
4. Safe Voting (Vote at Home or Ballot Box)
5. Ballot Acceptance
6. Logistical Barriers to Voting
7. Equipment, Security, and Auditing
8. Independent Election Administration and Certification
9. External Interference in Voting
10. Partisan Influences within the Political Climate
In each of the first nine indexes, DIEF identified key components to examine and sources to inform the presence or influence of pro-voter or anti-voter elements in state laws, policies, and practices. A three-point rubric was created to grade the level of confidence we anticipate voters will have by state in each aspect of the electoral process—either low, medium, or high—for the 2022 election cycle. For the purposes of this project, “level of confidence” is defined as the extent to which eligible voters will be able to cast ballots and have them counted correctly without interference, and that all ballots will be properly counted, certified, and accepted.

The findings are presented in infographic scorecards with overall ratings and rankings of the 50 states and the District of Columbia, as well as index-specific and state-specific profiles.

- A grade of **low confidence** indicates that current state voting laws codify barriers that make it more difficult to vote, require a greater investment of time to vote, or otherwise discourage participation. Eighteen states received an overall “low confidence” score.
- A **medium level of confidence** indicates the state has adopted policies designed to facilitate voter participation or minimize the impact of structural barriers. Twenty-three states received an overall “medium confidence” score.
- A grade of **high confidence** indicates the state has attempted to remove structural barriers and accelerate voter participation. Nine states and the District of Columbia received an overall “high confidence” score.

---

For the purposes of this project, we define “pro-voter” as a measure that seeks to expand voter access and/or improve election administration, and “anti-voter” as a measure that seeks to restrict voter access and/or undermine election administration.

---

**OVERALL SCORE INFOGRAPHIC**

![Overall Score Infographic](image-url)

**click to view**

04
“The U.S. is one of just a handful of democracies that places the duty of registration on the individual...As we face an electoral system that is increasingly dominated by wealthy and corporate interests, voting is the first line of defense for our democracy...Every eligible citizen needs to register to vote.”
--Demos

DIEF findings indicate that voters in high-ranking states should have the fewest concerns about participating in the 2022 election as their states’ measures encourage and support voter participation with fair and transparent processes. **Colorado, Maryland, and Washington** hold the highest scores among the ten jurisdictions with an overall “high confidence” rating.

Voters in low-ranking states are more likely to face challenges in casting their ballots and having their ballots counted. Bringing up the bottom are **Arkansas, Mississippi, and Missouri**. These three states are among a group of 18 states with an overall "low confidence" rating.

The following are summaries of the ten indexes the Democracy Initiative Education Fund team developed, with key observations of states' voter confidence levels. Each section ends with a link to a corresponding infographic that presents state scores and rankings for that index, along with sources to inform readers about voting rights in their states, recently enacted state laws, how to seek legal advice about their voting rights, and ways to become involved in voter education and election protection efforts.

It is important to note that no state has a perfect process. We hope that many states will step up in the next few months to increase access to mail-in or drop-box voting, improve voter experience at polling sites, and counter voter disinformation and intimidation. Without federal action to guarantee and protect voting rights for every American, it is imperative that every voter, elected leader, and election administrator understand that it is not just one aspect, but various factors of the election process that will influence voter confidence.
Overview:
The first step in accessing the ballot is voter registration. All but one state, North Dakota, requires voters to first register their intent to vote. Voter registration is just the first barrier to voting. States that have implemented pro-voter measures such as same-day voter registration and pre-registration have higher turnout rates than states that do not have pro-voter features. Components of this index include available voter registration methods, proximity of registration deadline to voting, frequency and triggers for voter list purges, felony disenfranchisement, and access to same-day voter registration or automatic voter registration.

Observations:
In general, more states are using online registration portals and are shifting away from paper registration. During the pandemic, online voter registration became a vital option for new voters to register as motor vehicle authorities and other government agencies reduced services, and traditional voter registration drives were less utilized. Additionally, many states have changed registration deadlines to shorten the window between registering and voting. Nineteen states and the District of Columbia have opted for same day registration. However, 14 states still close off voter registration 28 days or more before an election. According to the U.S. Census, the 2020 election saw more than 168 million active registered voters, an all-time high. There are 231 million citizens of voting age in the United States, which means there is more than 27% of the population who are eligible, but not registered to vote. The U.S. Senate-stalled “For the People Act” would have allowed automatic voter registration among many needed election reforms. Overall data suggests that while voter registration mechanisms are improving, due in large part to advances in technology, accessing the ballot is still a hurdle for many and disproportionately so for low income, Black, Brown, and young Americans.

Overall findings:
For this index, 19 states received an overall rating of low confidence, 16 states received a medium confidence rating, and 15 states and the District of Columbia earned a high confidence rating on the ease of voter registration. The trend toward same-day voter registration and online registration is reflected in record numbers of registered voters in 2020. However, there are several states in all regions of the country that are still making it difficult just to register to vote.

“Voter ID laws deprive many voters of their right to vote, reduce participation, and stand in direct opposition to our country’s trend of including more Americans in the democratic process. Many Americans do not have one of the forms of identification states acceptable for voting. These voters are disproportionately low-income, racial and ethnic minorities, the elderly, and people with disabilities.”
- American Civil Liberties Union
INDEX 2: VOTER IDENTIFICATION

Overview:
The use of Voter ID laws is discriminatory against elderly, disabled, and low-income voters. Obtaining identification presents bureaucratic and unnecessary burdens requiring a potentially prohibitive investment of time, travel, and money. Even when states offer free identification, voters often incur costs to gather the necessary paperwork, such as birth certificates or other documents. Components of this index include whether states require voters to present identification, how often voters must present an ID, and types of accepted identification.

Observations:
In 2021, six states enacted more restrictive Voter ID requirements. Across the country, ten states have burdensome laws that require voters to show ID from a short list of acceptable government-issued forms of identification. The relaxing of rules to allow voters to use personal financial documents and non-government issued ID would make voters more confident in their ability to cast a ballot. However, removing legal requirements for identification would eliminate these barriers all together.

Overall findings:
For this index, 17 states earned a low confidence rating, 16 states and the District of Columbia received a medium confidence rating, and 17 states were awarded a high confidence rating. These ratings suggest that voters in almost two-thirds of all states should not experience significant statutory barriers to voting because they do not have an "acceptable" form of identification. However, voters in one-third of the states will still face unnecessary barriers in 2022 unless new legislation is passed to lift restrictions.

"As Americans’ lives become more complex — for many each day is a struggle to balance the needs of work and family — confining voting to a single 8- or 12-hour period is simply not reflective of how most voters live. Additionally, having polls open for such a short time can lead to numerous problems, including long lines, as poll workers — who perform the job infrequently at best — struggle to cope with hordes of voters."
–Brennan Center for Justice
INDEX 3: EARLY VOTING

Overview:
Early voting, also known as “in-person absentee,” “advanced voting,” or “early in-person voting,” allows voters to cast a ballot in-person at some time prior to Election Day. Currently, 44 states and the District of Columbia allow some form of early voting. The average length of an early voting period is 23 days. Weekend early voting is rarer. As voters continue to seek this method of voting, states must increase their locations and options. Components for this index include how early a state allows early voting, the length of early voting days, availability of weekend voting, and state legislation making early voting harder or easier since the last general election.

Observations:
While early voting is popular and available in many jurisdictions, the days, times, and locations vary widely. Recent polling shows strong bipartisan support for increased early vote options. In response to the pandemic, many states temporarily expanded early vote options in 2020. Codifying those changes into permanent options will make voting convenient, especially for voters who are generally unable to vote in their precinct on election day due to work, family, or travel obligations. However, popular programs such as “Souls for the Polls” that are designed to encourage weekend voting face threats in states like Georgia where legislatures seek to limit early voting methods for partisan reasons.

Overall findings:
During the 2021 state legislative session, thirteen states enacted legislation to expand and improve early voting, while only Iowa and Georgia enacted measures to restrict early voting. For this index, 11 states received a low confidence rating, 17 states and the District of Columbia received a medium confidence rating, and 22 states received a high confidence rating that voters will be able to access reliable early voting methods.

“To a lesser extent, states where elected officials are more receptive to pro-voter legislation have created their own obstacles to reform this session. Inaction and stagnation have plagued many traditionally “blue” states for decades and have resulted in older and inefficient election systems that are in dire need of reform.”
- National Vote at Home 2021 Session Report
Overview:
The COVID-19 pandemic significantly changed the way Americans were expected to vote and how state and local election officials were expected to respond to their needs. Vote-by-mail options were significantly expanded in 2020, and these options are now widely recognized as necessary and safe tools to help voters who face barriers to in-person voting. In the 2016 general election, 23% of all ballots were cast by mail. In 2020, that number climbed to 43% of all ballots cast.

Components of this index include the ability of voters to cast ballots outside of polling sites, apply for ballots if required, receive mailed ballots, and access ballot drop off sites with or without the assistance of another person submitting the ballot.

Observations:
The pandemic caught many states unprepared to create safe voting processes, especially in ways that would eliminate various systemic barriers that marginalized or disenfranchised voters confront when casting their ballots. Most had “excuse” or “no-excuse” absentee ballot laws, which allowed states to issue temporary expanded parameters in 2020 to enable more voters to use this voting method during the pandemic. In 2021, some state legislatures responded by either codifying temporary orders or other methods to effectively create “no-excuse” absentee voting. Other states failed to act in either direction, allowing improvements to access made in 2020 to expire. Meanwhile, an increasing number of states have been passing new restrictions, such as limiting or banning drop boxes, which will confuse voters on where to submit their completed ballots if they choose to vote by absentee ballot.

Overall findings:
For this index, 21 states received a low confidence rating, 20 states received a medium confidence rating, and nine states and the District of Columbia earned a high confidence rating that voters will be able to access safe voting methods. The findings show that many more states need to increase voter participation through vote-by-mail to meet the emerging needs of Americans. The question of whether voters are confident they can engage in safe voting has become increasingly important as we enter the third year of the pandemic in 2022.

“Black voters face hurdles at every step of the vote-by-mail process: from unclear eligibility criteria to strict rules for returning and counting absentee ballots, the pandemic has created more obstacles for Black voters to participate in our Democracy.”

--Demos
INDEX 5: BALLOT ACCEPTANCE

Overview:
Unlike in-person Election Day and early voting, vote-by-mail or absentee voting consists of a multiple-step process, which carries a higher risk that a ballot can be rejected. In most states, an absentee ballot must first be requested by the voter. If the application is approved, a ballot is mailed out by the local or state election authority, then received, completed, and returned by the voter. A ballot, and the application for a mailed ballot, can be rejected for differences in name spelling, presence of an initial, differing signatures, failure to include required identification, and a lack of or misplaced signature.

For example, the Associated Press reports that 13% of mail ballots in Texas “were discarded and uncounted across 187 counties” during the state’s March 1 primary election, due to the state’s complex new rules for submitting a mail ballot. This disenfranchised nearly 23,000 voters and is well above the 2% rejection rate that election experts say is a cause of concern.” An analysis by the New York Times of rejected ballots in Texas shows that “areas with large Black populations were 44 percent more likely to have ballots rejected than heavily white areas.”

Effective vote-by-mail programs allow voters to track their ballot, and proactively give voters notice and time to correct, or cure, a mistake which increases confidence in the ballot acceptance process. To enable as many registered voters as possible to participate in our democracy, states should ensure the rules for ballot acceptance are clear and can be easily followed.

Components of this index include ballot return and rejection rates in 2020 and whether states have mechanisms in place to decrease rejections related to pre-paid postage, postmark acceptance, ballot tracking, signature verification, cure process, and ballot preprocessing.

Observations:
In 2016, three states had vote-by-mail only elections. In response to the pandemic, ten states had an all-mail ballot program in 2020 and another four states gave local jurisdictions the option to hold all vote-by-mail elections (primary and/or general). In 2016, three states had vote-by-mail only elections. In response to the pandemic, ten states had an all-mail ballot program in 2020 and another four states gave local jurisdictions the option to hold all vote-by-mail elections (primary and/or general).

Nearly one-third of all rejected absentee ballots in 2020 had invalid or missing signatures. In some states, the use of ballot tracking software allowed voters to track their ballot through the process and see whether it was accepted or needed to be cured. Allowing state election workers to begin processing ballots prior to Election Day increases the time for the voter to correct mistakes. Only one-third of states have cure processes which allow voters to address issues with their absentee ballots so their votes can be counted. Additionally, states providing pre-paid postage or approved drop-off locations increase voter confidence by raising the likelihood that each ballot will be received and accepted in the electoral process.
Overall findings:
For this index, 13 states received a low confidence rating, 23 states received a medium confidence rating, and 14 states and the District of Columbia received a high confidence rating that their voters will have their ballots accepted. For more voters to choose options outside in-person voting, states must try to improve the ballot acceptance process to increase voter confidence.

“Texas passed S.B. 1 this year (2021), one of the harshest restrictive voting bills in the country. The law makes it harder for voters with disabilities and language access barriers to obtain assistance, constrains election workers’ ability to stop harassment by poll watchers, and bans 24-hour and drive-thru voting, among other measures.”
--Brennan Center for Justice
INDEX 6: LOGISTICAL BARRIERS TO VOTING

Overview:
The presence or absence of basic logistics to allow fair access to the voting process influences whether voters are willing or able to cast their ballots. If adverse experiences of 2020 voters attempting to access polling sites have not been adequately addressed, states risk having fewer voters returning in 2022 to cast their ballots. While attention is increasing about the benefits of vote-by-mail and absentee ballot methods, advocates are raising alarms that people of color, Americans with disabilities, and those who rely on same-day voter registration will continue to vote-in-person and that more must be done to improve the voter experience at the polling sites.

Components for this index include having access to paid or unpaid leave to vote; finding meaningful assistance at the polling sites to address disability, mobility, literacy, and language proficiency challenges; ensuring participation of those residing in facilities or isolated communities; and accessing polling sites with functional equipment, sound processes, and adequate staff.

Observations:
In 2021, many state legislatures passed measures affecting the logistics of voting; while some states adopted laws to counter barriers, others did little or nothing to address these issues. For example, Texas limited curbside voting in 2021, which had previously helped meet the needs of elderly, pregnant, and disabled voters, while Georgia and Florida banned volunteers offering snacks and water to voters waiting in long lines at the polling sites. Factors that contribute to long voting lines include too few poll workers, problems with voting machines or scanners, and mishandling of ballots.

Overall findings:
In this index, 10 states received a low confidence rating, 30 states received a medium confidence rating, and 10 states and the District of Columbia scored a high confidence rating that their voters would receive adequate support to cast their ballots in-person. These findings suggest that states must still do more to stop the disenfranchisement and marginalization of voters in need of practical assistance to access polling sites.

“...The November 3rd election was the most secure in American history... There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised...Other security measures like pre-election testing, state certification of voting equipment, and the U.S. Election Assistance Commission’s (EAC) certification of voting equipment help to build additional confidence in the voting systems used in 2020.”

Overview:
Over the past four years, over $1.1 billion in federal funding was appropriated to assist state and local governments for protecting voter information and enhancing security options. As a result, federal and state officials described the 2020 election as "the most secure in American history." Voters expect their votes to be counted properly, with established safeguards in place leading to a clear and certified result. The assessment of ballot integrity includes three key components: equipment, security, and auditing.

Components reviewed for this index include the use of voter verifiable paper audit trail (VVPAT), e-pollbooks, Voting Systems Test Laboratory (VSTL) standards, security best practices, protection of voter information from hackers, and the conduct of official nonpartisan post-election audits.

Observations:
Contrary to the drumbeat of false information about alleged hackers switching votes to impact the election, the 2020 election was not stolen. Thanks to increased levels of federal funding for new equipment as well as state election officials coordinating with the U.S. Department of Homeland Security and the U.S. National Institutes of Standards and Technology, reports confirm that the 2020 Election was safe and secure. If the country wants greater security for future elections three things will help:

- Continued federal funding for new equipment and security measures.
- Robust post-election auditing by trained public employees.
- Voting options outside of election day.

Overall findings:
For this index, 13 states received a low confidence rating, 14 received a medium confidence rating, and 23 states and the District of Columbia received a high confidence rating. These findings suggest that most voters can have medium to high confidence in their ballot integrity, with one important caveat: many of the security improvements adopted by states were funded by congressional appropriation, and further funding may be needed in the future.

“Our democracy is at crossroads; election officials and others have been sounding the alarm, and if we do not take real steps to address these threats, our democracy will be in peril.”

–Commissioner Benjamin Hovland of the Election Assistance Commission
INDEX 8: INDEPENDENT ELECTION ADMINISTRATION AND CERTIFICATION

Overview:
Independent administration and nonpartisan certifications of elections are a hallmark of a fair and inclusive democracy. In the aftermath of the 2020 general election, we have witnessed a sharp departure from this custom. The result is an erosion of confidence in the outcomes of elections in states where legislatures have given themselves the power to override the will of the voters or have replaced nonpartisan election administrators with partisan appointees.

Components of this index include whether states have passed legislation to shift election authority away from the chief election officer or created partisan committees to review election results.

Observations:
Influenced and emboldened by supporters of the Trump/Pence administration, state legislators have been seeking ways to either overturn the 2020 presidential election results or create state mechanisms to overturn future election results. As such, thirteen state legislatures passed laws in 2021 to shift election authority to more partisan actors, criminalize local election officials for doing their job, interfere with local election boards of their choosing, or shift emergency powers from the governor to themselves if the results are not to their liking.

For example, Florida and Arizona passed legislation that transfers certification duties from the secretary of state to the attorney general if there are legal challenges to the election results. Kansas and Texas passed legislation rescinding the authority of the secretary of state and local authorities to adjust the mail-in ballot dates or drop-off locations to make voting easier. Legislators in Georgia, New Hampshire, and South Carolina have filed legislation to audit the 2020 elections. In Wisconsin, Republican members of the State Assembly are using public funds to force public officials to sit for closed door meetings or face criminal penalties, all in the effort to negate the 2020 election.

Overall findings:
The results of this index indicated that although 14 states received ratings of low confidence and 14 states received ratings of medium confidence, 22 states and the District of Columbia received high confidence ratings in certifying elections going into 2022. These findings suggest that even with the passage of anti-democratic policies in many states, most voters will continue to enjoy medium to high confidence in the integrity and security of their ballots.

“Through public records and interviews, Reuters documented 102 threats of death or violence received by more than 40 election officials, workers, and their relatives in eight of the most contested battleground states in the 2020 presidential contest. Each was explicit enough to put a reasonable person in fear of bodily harm or death, the typical legal threshold for prosecution.”
-- Special Report: Terrorized U.S. election workers get little help from law enforcement, Reuters 9/8/21
Overview:
One of the more interesting aspects of this compendium was locating sources to identify occurrences of external interference experienced by voters during the 2020 election across all 50 states and DC. Various tactics were used to misinform, confuse, and intimidate voters to influence their participation. Persistent public education campaigns will be necessary to counter these measures in 2022. There is a great need for voters to not only have a better understanding about their rights due to multiple changes made since the 2020 elections, but for state legislatures to follow the lead of those that have passed laws to promote more accessible, safe, and transparent elections.

Components include the perceived trustworthiness of mainstream media’s election coverage; disinformation and intimidation spread online and by telephone; threats and intimidation experienced at the polling sites; and measures states have taken to help mitigate these discouraging influences.

Observations:
There was an 80% spike in protests and demonstrations during the week of the 2020 general election over the prior week. During the same period, hundreds of protests occurred across the nation, and at least seventeen states reported riots. Meanwhile, election officials in twelve states received nearly 800 intimidating and/or threatening messages, including more than one hundred that met the threshold of potential prosecution. Approximately 800,000 swing state voters received misleading robocalls with messages to stay home on election day. Experts analyzing social media between January 2020 and September 2020 found a massive 3.1 million mentions of disinformation about voting by mail. Public opinion surveys showed that voters did not find the news media particularly trustful in covering the elections. Additionally, callers to the 1-866-OUR-VOTE legal hotline during the last week of the 2020 election reported concerns with intimidation both at the polls and online, as well as public safety, electioneering, poll worker misconduct, and police presence at the polls.

Although there are states that have passed laws in attempts to counter such interference, many more need to do so. Measures seeking to mitigate external influences include media literacy education requirements in public schools, weapon bans at polling sites, poll worker training mandates, prohibitions on obstructing entrances/hindering voter access, criminalization of voter intimidation and false election speech, and reduction of police presence at polling sites (unless summoned on official business).
Overall findings:
Our findings show that in every state, voters reported experiencing instances of biased media coverage, disinformation, and/or intimidation connected to the 2020 elections. Only five states—Delaware, Hawaii, Maryland, South Dakota, and Vermont—scored high confidence ratings. In these states, reports of disinformation or intimidation by voters were few or rare and their states have passed pro-voter legislation to prohibit or help counter such influences. Medium confidence levels were given to 31 states and the District of Columbia, while 14 states were rated with low confidence levels. These findings raise concerns about the influence of previous voting experiences on voters’ decisions to participate again. Voters who felt manipulated, unsafe, or deceived may not choose to participate in 2022.

“Since the passage of the 15th Amendment in 1870 giving all citizens regardless of their race the right to vote, the one constant has been the work of bad actors to restrict who can vote by use of Jim Crow laws. In 2022, this can be achieved by voter list purges, voter ID requirements, restrictive early voting, and rejection of ballots.”
--Charly Carter, Executive Director, Democracy Initiative
INDEX 10: PARTISAN INFLUENCES IN THE POLITICAL CLIMATE

Overview:
Americans responded positively to the range of voting options offered during the global pandemic. **The election of 2020 set records for the number of registered voters, the highest turnout, and the greatest participation in this century.** However, we could not assess voter confidence without acknowledging the challenging political climate that many will experience in 2022. Voters in most states will head to the polls in a more polarized environment, fueled by a growing cultural and political divide.

Reuters documented increased threats of death or violence against election officials, workers, and their relatives in eight of the most contested battleground states in the 2020 presidential contest. If this trend continues, we predict that the greater the significance of state and local elections on the national political landscape, the greater the investment of resources to suppress voter turnout and undermine confidence in the election process.

Components reviewed for this index include the average margin of victory for the last two presidential races, as well as current political representation of the state legislature, governorship, and state courts. Also considered in this index are key statewide races held in 2022 and their significance to the national political landscape. This index was informational only, with no corresponding state scoring.

Observations:
Since November of 2020, several states have begun a systematic disenfranchisement of groups they believe will not vote for their candidates. For example, **19 states passed laws during 2021 that will restrict the voting access** of the young, disabled, and communities of color, tilting the scales of voting to reflect a narrower view of the electorate. Another legislative tactic observed was shifting the election authority to offices with the power to subvert the final election results as **13 states did in 2021.**

There are concerns that recent voting restriction laws may have a major impact on 2022 gubernatorial races in Arizona, Florida, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin. These restrictions will also affect competitive U.S. Senate races in Arizona, Florida, Georgia, Nevada, New Hampshire, North Carolina, Ohio, Pennsylvania, and Wisconsin. Since the 2022 U.S. Senate races will have a determinative effect on control of that body, we expect these states to experience a deluge of media attention, advertising, national party involvement and, sadly, a return of the well-orchestrated **disinformation campaigns** observed in 2020 and throughout 2021.

In our review, we see battles raging for control of who can vote in the closest eleven states of the 2020 presidential election. If a swing state has both a **trifecta** and a **triplex**, as Florida, Georgia, and Texas do (where the same political party control the state’s main branches of government), there could be embolden legislatures seeking power to overturn election results to maintain control. During the 2021 legislative session, **13 states passed bills to shift authority to allow partisan actors** that power. Seven of those states (Arizona, Georgia, Florida, North Carolina, Nevada, Ohio, and Texas) are swing states. Only the swing state of North Carolina has shared power between the two major political parties.
We cannot overlook the role changing racial demographics had in 2020 and will likely have in future elections. A little more than half of the decade’s U.S. population growth has been among non-white Hispanics. Almost all growth in Texas has been among communities of color. Within a few years, less than half of Georgia’s population will be white. Arizona is almost evenly split between whites and communities of color.

When you consider that Black and Brown voters tend to vote overwhelmingly Democratic, it is not surprising to see more aggressive efforts to restrict voting access in swing states with the greatest shifts in racial and ethnic demographics. The majority of restrictive voting laws passed since November 2020 will disproportionately impact communities of color, including those in Texas, Georgia, Florida, and Arizona.

Finally, redistricting will have a major effect on the 2022 election. Elections during redistricting years often lead to uncertainty for voters who may experience a change in voting location, precinct, and familiar candidates. This is especially challenging for seniors, who can be resistant to changes in voting processes that have become routine. Elections in newly drawn districts in 2022 may create even more uncertainty due to pending court challenges.

"The vote is the most powerful, non-violent tool we have in a democratic society."

--Congressman John R. Lewis, an American politician and civil rights activist who served in the United States House of Representatives for Georgia’s 5th congressional district from 1987 until his death in 2020.
How much confidence can we have in our electoral system? Based on our assessments the answer is: It depends on where you live.

Ten jurisdictions have election systems that provide relatively easy access for voters, as well as transparency, security, and integrity in how votes are counted, as well as how election results are certified.

**These ten jurisdictions are:**
California, Colorado, the District of Columbia, Hawaii, Maryland, Nevada, Oregon, Vermont, Utah and Washington.

To varying degrees, 18 states fail on these same measures, the states we have ranked here with low confidence in their overall voting process. Voting is a right. For the estimated 69.4 million voters living in these 18 states, it is a right that is being challenged.

The implications of this project, **Storming State Capitols**, demonstrate the necessity for the media, civic groups, unions, and civil rights organizations to sound an alarm and educate voters and potential voters on what has changed and how, when, and where to vote.

This scorecard should serve as a wake-up call to voters in 18 states: Alabama, Arkansas, Arizona, Florida, Georgia, Indiana, Kansas, Louisiana, Mississippi, Missouri, New Hampshire, Oklahoma, Pennsylvania, Tennessee, Texas, South Carolina, South Dakota, and Wisconsin. In these states with low confidence scores, voters can participate in the election process—but it requires both vigilance and diligence.

The low to medium confidence levels across the indexes indicate areas in need of reform. This may include uniform standards on forms of identification, more equitable placement of polling places and drop boxes, and safety measures at polling sites.

It is also important to call out the states with medium or high confidence ratings in **Storming State Capitols** that have recently been rolling back voting rights protections. Among the 19 states that passed laws in 2021 to restrict voting rights, eight did not earn low ratings: Iowa, Idaho, Kentucky, Montana, Nevada, New York, Utah and Wyoming. Among the 13 states that passed laws in 2021 shifting election authority to allow the potential for partisan interference to overturn an election included those that did not earn low ratings, such as Iowa, Kentucky, Montana, Nevada, and Ohio.
Again, although a single law or legislative session does not significantly change overall voting rights in a given state, concerns should be raised of any trend in which a state moves backward and not forward to make voting more inclusive and representative of the people. Even slight changes or small tweaks made to existing voting laws over a series of legislative sessions or court rulings can cumulate into a serious cause for alarm.

The disproportionate, and even targeted, impact of strict voting laws on voters of color has been designed to systematically disenfranchise individuals and communities. These voters deserve more access points and practical assistance to register and authentically participate in a wider scope of voting methods, not less. Unintended consequences could also hinder voting by seniors and the disabled of all backgrounds who may need to travel farther and are more likely to be removed from voter lists. These voters may also be unable to receive practical assistance with voting due to suppressive state legislation.

Every national, state, and local election is important. Our findings indicate that where federal and statewide races have the narrowest margins of victory are in the same states where there is evidence of partisan attempts to manipulate election outcomes. Under these conditions, voters can have little confidence that their vote was counted or included in the outcome of the election. These confidence levels confirm that we have far to go before achieving a vibrant and robust democracy.

It is one thing to track changes in election law, analyze the intent of the legislation, and compare election practices between states to learn from past practices. Much harder to predict is the growing threat of violence and intimidation against election workers and voters. An explosive increase in reported intimidation marks a dramatic turn for our country and harks back to a darker past.

That such threats are taking place against a backdrop of rising racial tensions and a growing number “open carry” gun laws, particularly in swing states, have been unsettling among international observers. So far, Congress and the U.S. Supreme Court appear unable or unwilling to establish and maintain the safeguards we desperately need and deserve as a true democracy. In addition to passing national voter protection laws, leaders at every level of government must undertake greater efforts to educate voters about their rights, counter disinformation campaigns, and quell political violence.
The United States of America is the oldest modern democracy, but just because it has existed for nearly a quarter of a millennium does not mean that the battle for democratic rights is settled. Voting is a civic responsibility and every American of voting age should be encouraged and empowered to vote. In addition, given the erosion of voting rights described here, all of us can and should take pro-active measures to encourage voter access, participation, and protection for all voters.

Steps you can take include:

- Help other voters be better informed about changes in election law.
- Assist those you know to overcome challenges related to registering to vote or casting a ballot.
- Volunteer to be a poll worker.
- Become an advocate for nonpartisan oversight of electoral processes among other election reforms.

The Bottom Line

Become an informed citizen. Use the resources provided between now and when the last ballot of 2022 is counted. Educate others and sound an alarm about what is happening in your state and why so many are calling for reform.


Cha, J. Mijin, "Why Everyone Should Be Registered to Vote” Demos (blog), September 24, 2013. https://www.demos.org/blog/why-everyone-should-be-registered-vote


“These 24 States That Improved Access to Voting This Year.” Democracy Docket, December 28, 2021. [Website Link]


Di Carlo, Matthew. "U.S. Voter Turnout (And Registration) In Comparative Perspective." Albert Shanker Institute, November 15, 2018. [Website Link]

Doubek, James and Steve Inskeep. "Black Church Leaders in Georgia on the Importance of “Souls to the Polls’." National Public Radio, March 22, 2021. [Website Link]

Election Protection Administered by the Lawyers’ Committee for Civil Rights Under Law. "Election Protection: States." [Website Link]

2020 1-866 OUR VOTE legal hotline map. Week of October 30, 2020. [Website Link]


[https://www.insidehighered.com/views/2022/01/03/college-students-face-many-unnecessary-obstacles-voting-opinion](https://www.insidehighered.com/views/2022/01/03/college-students-face-many-unnecessary-obstacles-voting-opinion)


League of Women Voters. [https://www.vote411.org/](https://www.vote411.org/)


———. "Electioneering Prohibitions." As of April 1, 2021.


———. "Online Voter Registration." As of July 26, 2021.
https://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx#Table%20of%20states%20with%20ovr


———. "Same Day Voter Registration." As of September 20, 2021.

———. "Table 1: States with No-Excuse Absentee Voting," January 3, 2022.

———. "Table 6: States with Online Absentee Ballot Application Portals." As of January 3, 2022.


———. "Table 14: How States Verify Voted Absentee/Mail Ballots." As of January 31, 2022.

———. "Table 15: State with Signature Cure Processes." As of January 8, 2022.

———. "Voter Registration Deadlines". As of January 4, 2022.
——. "Voter Registration List Maintenance." As of October 7, 2021. 

——. "Voting for All Americans: Native Americans." As of July 20, 2021. 


——. "Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options." As of January 22, 2022. 


https://kateto.net/covid19/COVID19%20CONSORTIUM%20REPORT%2029%20ELECTION%20DEC%202020.pdf

https://www.pewresearch.org/hispanic/2008/10/22/latinos-account-for-half-of-us-population-growth-since-2000/


——. "Sharp Divisions on Vote Counts, as Biden Gets High Marks for His Post-Election Conduct." November 2020. 


Ura, Alexa, Jason Kao, Carla Astudillo, and Chris Essig. "People of color make up 95% of Texas' population growth, and cities and suburbs are booming, 2020 census shows." The Texas Tribune, August 12, 2021. https://www.texastribune.org/2021/08/12/texas-2020-census/


———. "Table 4a. Reported Voting and Registration for States: November 2020." https://www2.census.gov/programs-surveys/cps/tables/p20/585/table04a.xlsx


Voting Rights Lab. "50 State Chart: Interference with Election Administration." Last visited January 31, 2022. https://docs.google.com/spreadsheets/d/1nWvvBRGMFbLM83gw8nEq4SeSFKCyp0lMwNq3t-d5WK0/edit#gid=1804064975


