

BATTLEGROUND 2024

**How Swing States
Changed Voting
Rules After the
2020 Election**

**VOTING
RIGHTS
LAB**

October 2023

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A Letter from our Executive Director

Dear friends,

In 2024, a tsunami of new voting and election law changes will be implemented in a presidential election for the very first time. In the following pages, we examine how the most significant of these new laws will impact not just the results of the 2024 presidential election - but the future strength of American democracy.

The team at Voting Rights Lab has analyzed and documented these new policy changes over the last three years in real time. Focusing on the most competitive eight presidential swing states, as determined by the University of Virginia's Center on Politics, we now are using that research and analysis in this report to lay out the important policy changes that will dramatically transform the voter experience and election administration in both positive and negative ways in the 2024 election.

From voting by mail to how we count ballots, key changes have been made to our elections that will likely influence the outcome of next year's presidential election. Even in states where the most harmful policy changes have been blocked, we've seen an overwhelming effort to sow distrust in our system. At the same time, some states have taken action by giving local officials more protections and tools in order to count ballots faster, while also passing laws to ensure elections are certified without disruption.

Simply put, in this report we lay out how the 2024 election will be another major test of the resiliency of American democracy. By releasing this report a year ahead of Election Day 2024, we hope that the information can be a tool to strengthen the fabric of our democracy and a resource for voters and election officials about the ways in which the 2024 election will be different for them next year.

We hope that our nation's dedicated local election administrators will have the time, resources, and staff to overcome these new hurdles and run free and fair elections. Where state laws can be improved, there is still time for lawmakers to act in service of voters and our democracy. And wherever Voting Rights Lab can lend support in these noble efforts, we'll be here.

Onward,

A handwritten signature in black ink, appearing to read "Megan Lewis". The signature is fluid and cursive, with the first name "Megan" written in a larger, more prominent script than the last name "Lewis".

Megan Lewis

Executive Director and Co-founder, Voting Rights Lab

Methodology

This report uses data and analysis from Voting Rights Lab’s [State Voting Rights Tracker](#) and the team behind it. The Tracker is a database of state legislation across 19 issue areas relating to voter access and election administration. After using a software program (LexisNexis State Net) to identify potentially relevant bills across all 50 states and D.C., Voting Rights Lab’s legislative counsel review, analyze, and categorize each bill, so that the bills can easily be sorted according to state, policy topic, and impact. Bill summaries and labels are updated as legislation is amended so that Tracker records reflect the most recent bill text.

The eight presidential swing states featured in this report were determined by using the 2024 Electoral College “toss-up” and “leans” ratings from Sabato’s Crystal Ball at the [University of Virginia’s Center for Politics](#), as of September 2023.

Executive Summary

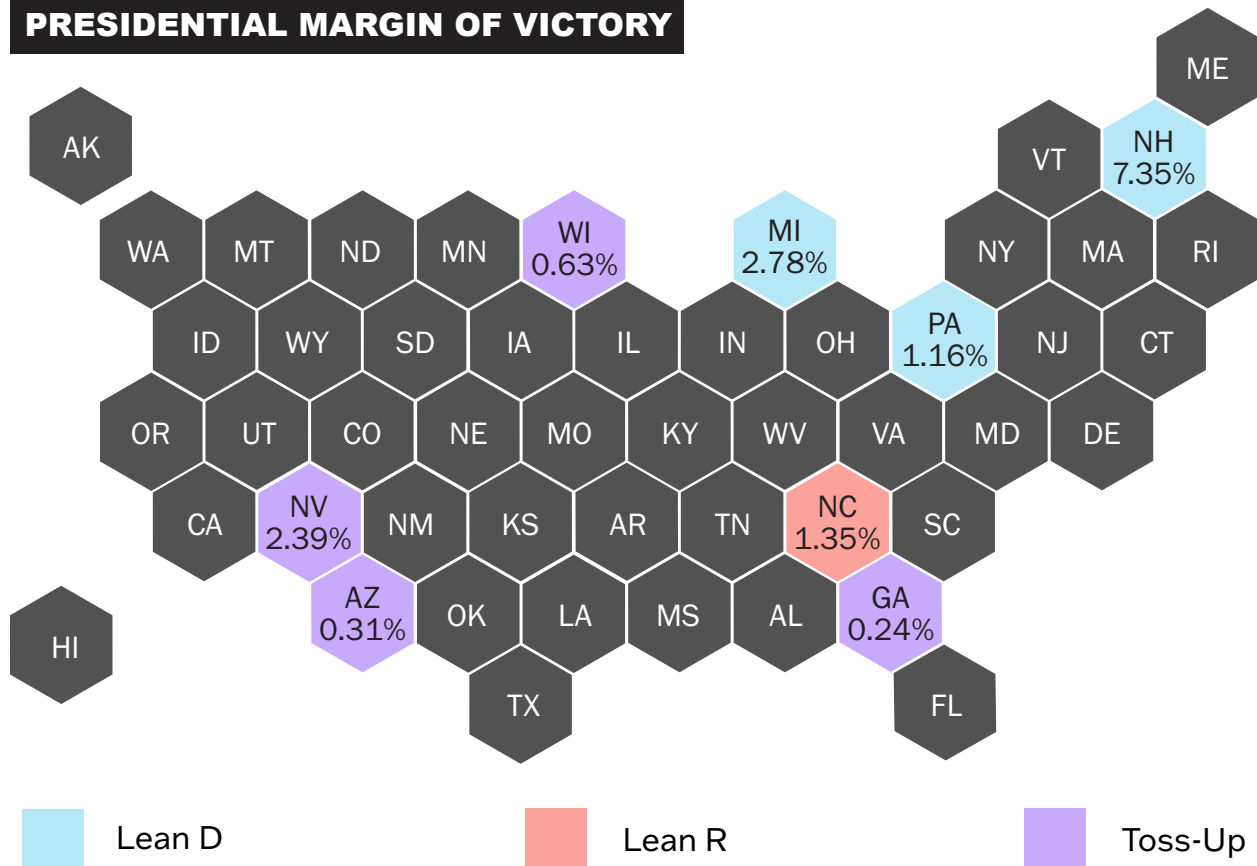
Ahead of the 2020 election, nearly every state in the country adjusted its voting systems – expanding access to mail voting and in-person early voting to make casting a ballot more safe and accessible at the height of the COVID-19 pandemic. Following record turnout in the 2020 presidential election, baseless conspiracies fueled a relentless drive to restrict voting in some states. **Since the 2020 election, lawmakers have rewritten – and in some cases, are still in the process of rewriting – the rules that govern our elections and democracy.**

Now, as we approach 2024, those rules have changed in many of the states that will determine the outcome of next year’s presidential election. For many voters, the 2024 election will be the first time they cast a ballot since 2020, meaning these policies will be new to millions.

But the challenges facing our elections in 2024 are hardly limited to changes to law. 2020 and 2022 each demonstrated how the rampant spread of disinformation, election challenges, voter intimidation, and other non-legislative threats – some sparked by candidates themselves – are consequential elements of elections today. **How voters and election officials adjust to the challenges outlined in this report – legislative, judicial, and otherwise – will not just determine the results of the 2024 election, but the future strength of American democracy.**

This report focuses on the eight swing states identified by Sabato’s Crystal Ball at the [University of Virginia Center for Politics](#): Arizona, Georgia, Michigan, Nevada, New Hampshire, North Carolina, Pennsylvania, and Wisconsin. In five of these states, the outcome of the 2020 presidential election was determined by less than two percentage points, with some of those states seeing even closer margins – Arizona and Georgia were each determined by less than half a percentage point. Changes to how elections are run can have a profound impact when margins are so razor thin.

2024 SWING STATES WITH 2020 PRESIDENTIAL MARGIN OF VICTORY



Swing states are those considered "lean D," "lean R," or "toss-up" by Sabato's Crystal Ball at the University of Virginia Center for Politics.

Voting Rights Lab has [comprehensively tracked](#) changes to voting and election law in all 50 states and D.C. since 2021. This report does not list all the changes to election law in these eight swing states, rather, we combed through changes in these states to identify those that could have the greatest impact on the 2024 election.

Through our analysis, we identified four swing states where voters will face significant new restrictions. Their ability to overcome these restrictions could play a pivotal role in determining the outcome of the 2024 presidential election.

- In North Carolina, voters must adapt to the state moving from having no ID requirement to the one of strictest mail ballot ID laws in the country – and a new photo ID requirement for in-person voting as well. Pending legislation may make it far more likely that mail ballots cast by eligible voters will be discarded.
- With the lapse of pandemic-era expansions to mail voting and in-person early voting, New Hampshire is now [one of only three states](#) in the country where the only option for most voters will be to cast a ballot in

person on Election Day in the 2024 presidential election. In addition, [new rules](#) will likely result in the rejection of ballots cast by eligible voters who register to vote on Election Day.

- **Georgia** voters must overcome [new restrictions](#) on mail voting, including ID requirements to apply for, and return, mail ballots. Voters will also encounter new limits on drop boxes.
- **Wisconsin** voters may face significant [new barriers](#) to returning mail ballots this election – though pending litigation could change the rules before the 2024 election.

VOTER ACCESS CHANGES BETWEEN 2020 AND 2024

	Less Access	Largely the same	More Access	Mixed
Arizona		✓		
Georgia	✓			
Michigan			✓	
Nevada			✓	
New Hampshire	✓			
North Carolina	✓			
Pennsylvania				✓
Wisconsin	✓*			

*pending litigation in Wisconsin could result in significant changes to voter access

Meanwhile, election officials in key swing states must implement recent changes to voting laws and face other challenges that threaten the 2024 election.

- New laws have opened the door to frivolous mass challenges to voter registrations that could overwhelm understaffed offices in **Georgia**. Pending legislation in **North Carolina** could result in election officials there seeing similar mass challenges to mail ballots.
- High turnover in local election offices in several key states, including **Arizona, North Carolina, and Pennsylvania**, following an exodus of career professionals, means these offices will be understaffed or staffed with inexperienced administrators.
- Conspiracy theories and election challenges took a particularly strong hold on **Arizona, Michigan, and Pennsylvania** in 2020 and 2022. That

recent experience suggests bad-faith actors may attempt similar activity again in 2024.

While some states have passed new laws to restrict voting access and weaken nonpartisan election administration since 2020, three key swing states have expanded access:

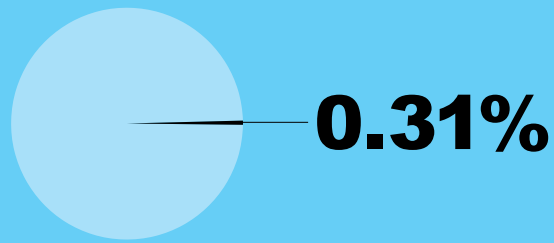
- **Michigan** voters will have greater ballot access in 2024 than in any previous election, including expanded opportunities to vote early in-person and by mail. A new law also gives local election administrators more time to process mail ballots and ensures that canvass boards certify election results based on official records of votes cast.
- **Nevada** lawmakers made permanent the expanded mail voting access rules put in place during the 2020 election, meaning every registered voter will receive a ballot in the mail in the 2024 election. New laws also improve voting access for Indigenous communities and citizens who are currently incarcerated.
- The 2023 elections will be the first since **Pennsylvania** implemented automatic voter registration – meaning voters will be automatically registered to vote when they obtain, or renew, a driver’s license or ID card. Notably, however, it may be more challenging for Pennsylvania voters to cast their ballot by mail, due to the expiration of pandemic-era expansions.

Arizona

2020 MARGIN

10,457

out of 3.3mil+ ballots cast



0.31%

TOP CHANGES SINCE 2020

- New top election officials in 13 of 15 counties

WHAT TO WATCH IN 2024

- Potential delays in reporting results in a close election
- Spread of disinformation and challenges to election results from extremists

Arizona has been an epicenter for election-related conspiracy theories. In 2021, a controversial election review in Maricopa County sought to challenge the results of a fair election – only for the results to be confirmed. In 2022, numerous candidates for statewide office centered their campaigns around election-related conspiracy theories, while a legislatively-referred ballot initiative proposed to make the state’s ID law much stricter – all lost. Since then, lawmakers have advanced dozens of bills that would upend Arizona elections – each were vetoed.

The 2024 presidential election will be yet another test for Arizona elections. While election officials will have more time to process mail ballots than they did in 2020, it may still take local officials days to report enough results for close races to be called by the media due to high voter turnout and staffing shortages. From administrators dealing with vacancies and less experienced staff, to bad-faith partisan actors, to waves of election challenges and refusals to certify results – as [Cochise County](#) attempted in 2022 – Arizona elections will once again capture the national spotlight.

Voter Access in Arizona: 2020 vs. 2024

In the 2024 presidential election, access to voting for Arizonans will be largely the same as it was in 2020. The legislature passed many bills that would have restricted voter access and impeded the nonpartisan administration of elections. Ultimately, however, most

significant legislative efforts were blocked by veto, litigation, or the people of Arizona.

Governor Hobbs [vetoed](#) a record number of bills this session, and in 2022, the people of Arizona rejected a [legislatively-referred ballot measure](#) that would have made the state's existing voter ID law much stricter.

The impact of significant legislation that was enacted after 2020 remains murky due to ongoing litigation. Courts have blocked a new law that could [kick eligible voters off state registration lists](#). Meanwhile, counties are awaiting guidance on how to proceed with [voter registration](#) given pending litigation over legislation that would impose new documentation requirements related to residency and citizenship. Additional legislation that [removes voters from the active early voting list](#) for failure to vote was enacted in 2021, but will not be in effect for the 2024 election.

Despite the lack of significant policy change impacting the 2024 election, voters may face impediments to voting from bad-faith partisans and extremists – such as those who organized [armed stakeouts](#) of drop boxes and threatened voters at polling locations in 2022.

Election Administration in Arizona: 2020 vs. 2024

Much like voter access, major policy changes to election administration procedures were limited due to gubernatorial vetoes. However, due to partisan extremists peddling disinformation and conspiracy theories, Arizona's local election administrators continue to face new challenges.

Election-related conspiracy theories, death threats, and intimidation tactics have led to an exodus of experienced election officials throughout the state. According to the [Arizona Secretary of State's office](#), top election officials in 13 out of Arizona's 15 counties have left their jobs since 2020, largely due to security concerns and harrasment.

Due to the high percentage of Arizona voters casting ballots by mail (around 80 percent of voters), ballot processing time is crucial to delivering timely election results. Late calls due to ballot processing created room for conspiracy theories in both the 2020 and 2022. While a [new law was enacted in 2021](#) that allows pre-Election Day processing and tabulation to start sooner, [legislation](#) that would further improve this reform failed to pass this session. With close presidential and U.S. Senate races expected in Arizona, voters and election officials alike should be prepared to wait several days for any major statewide races to be called again in 2024.

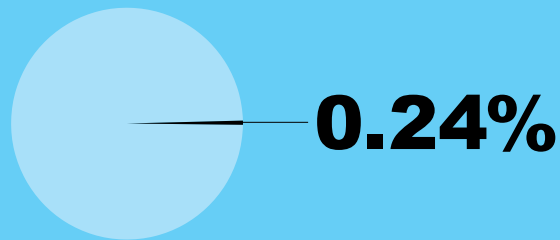
While the state legislature did pass several bills that would have upended election administration in Arizona, Governor Hobbs [vetoed](#) dozens of bad-faith election bills that passed the legislature along party lines. The vetoed legislation included bills that would have effectively [banned electronic tabulators](#), forcing election officials to hand count every ballot, made [public all ballot images](#), exerted [greater partisan and legislative control](#) over state and local election administration, and [withdraw Arizona from the Electronic Registration Information Center](#) (ERIC).

Some counties, fueled by conspiracy theories, may attempt to conduct partial or full hand counts to tabulate ballots, doing away with automatic tabulation machines used by virtually every jurisdiction across the country. Mohave County conducted a hand count trial in July of 2023 that resulted in a very high error rate. Shortly after the trial, the Mohave County Board of Supervisors [voted against a proposal](#) to require a hand count in 2024 due to the trial performance and projected cost to the taxpayer.

Georgia

2020 MARGIN

11,779
out of 4.9mil+ ballots cast



TOP CHANGES SINCE 2020

- Vote by mail and out-of-precinct ballot restrictions
- Loosened rules around challenges to voter registrations
- More partisan and law enforcement oversight of election administrators

WHAT TO WATCH IN 2024

- Rejected mail ballot applications, mail ballots, and out-of-precinct ballots
- Meritless mass challenges to voter registrations
- Partisan and criminal investigations of election administrators

Fewer than 12,000 votes separated Joe Biden and Donald Trump in a state where nearly 5 million votes were cast in 2020 – making Georgia the closest contest in the nation. Although some of the most egregious efforts to restrict voter access [failed to pass](#) the legislature following the 2020 election, the [laws that did pass](#) make it harder for Georgia voters to cast their ballot and create new hurdles for election officials.

It will be more difficult to receive and cast a mail ballot in 2024 than it was four years earlier – and it’s more likely that mail and provisional ballots cast by eligible registered voters will be rejected as a result of new rules. Continued, meritless mass challenges to valid voter registrations, restrictions to the authority of the state election board, and additional partisan oversight of local election boards make Georgia an important state to watch in 2024.

Voter Access in Georgia: 2020 vs. 2024

The Georgia legislature passed an omnibus elections bill in 2021 ([S.B. 202](#)) that weakened voter access, particularly around voting by mail. Among the new restrictions, Georgia voters must now provide a specific ID number with their mail ballot application and return ballot envelope. Unlike in the 2020 elections, voters can no longer request a mail ballot through

an entirely electronic process. Additionally, the state implemented new restrictions on where and when drop boxes will be available.

On the upside, some voters may see an increase in the availability of in-person early voting. While S.B. 202 sharply cut early voting during run-off elections, it added an additional mandatory Saturday and expanded the minimum hours for early voting during regular elections. It is unlikely, however, that these tweaks to early voting are sufficient to overcome the long lines that Georgia voters in some counties have faced in recent years.

In addition, more eligible voters are likely to see their ballots tossed out in the 2024 election. S.B. 202 requires election officials to discard provisional ballots cast by legitimate voters who vote at the wrong precinct within their county before 5 P.M. Previously, out-of-precinct provisional ballots were counted for the races the voter was eligible to vote in.

A federal judge recently blocked two other restrictions that were included in S.B. 202 – one that would require officials to [reject mail ballots](#) if the date of birth on the outer envelope does not match the voter’s registration record, and one that would [criminalize the distribution of food and water](#) outside of polling places. As of the time of this report, those provisions will not be enforced in the 2024 presidential election.

Election Administration in Georgia: 2020 vs. 2024

S.B. 202 also created new challenges for election officials. The bill opened the door to [meritless mass challenges of voter registrations](#), allowed local election boards to be removed and replaced by a partisan body, and removed the authority of the State Elections Board to issue emergency election regulations.

In addition, a [2022 bill](#) expanded the authority of the Georgia Bureau of Investigations to investigate alleged election violations – including the authority to issue a subpoena for election materials and undertake an audit of those materials.

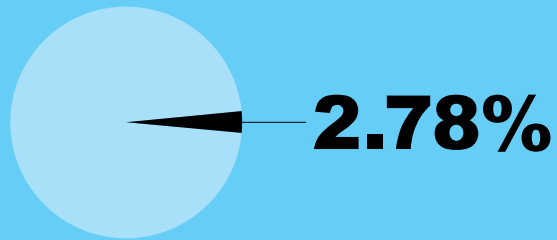
In a positive development, S.B. 202 provides election officials more time to process mail ballots. In 2024, election administrators will be able to start processing mail ballots 15 days before the election, as compared to 8 days prior in 2020.

Michigan

2020 MARGIN

154,188

out of 5.5mil+ ballots cast



2.78%

TOP CHANGES SINCE 2020

- Expanded access to mail voting and in-person early voting
- More time for election officials to process and tabulate ballots

WHAT TO WATCH IN 2024

- Spread of disinformation and challenges to election results from extremists

In 2022, Michigan voters approved [a citizen initiative](#) that improves access to mail voting and in-person early voting, strengthens election administration, and protects against future election interference. That initiative – which built on a 2018 pro-voter citizen initiative – will help ensure voters in Michigan will have more options to vote than ever before.

But Michigan is not immune to election challenges and extremism. From a (failed) [lawsuit](#) seeking to decertify the 2020 election, to a (failed) [scheme to establish fake electors](#) who sought to overturn Joe Biden’s 2020 victory in the state, to pending charges against both [a 2022 statewide candidate](#) and a [township clerk](#), look for frivolous litigation and the spread of disinformation to make waves once again in 2024.

Voter Access in Michigan: 2020 vs. 2024

Michigan voters will have significantly more options to vote in the 2024 election than they did in 2020, thanks in large part to a citizen initiative passed in 2022.

Starting in 2024, Michigan voters will have [at least nine days - and up to 29 days - of Election Day-style in-person early voting](#), including [weekend voting](#) for the first time. Additionally, Michiganders who choose to vote in person will be able to use [additional types of voter ID](#) to prove their identity in 2024. And those who are unable to show physical ID will still be able to vote if they [sign an affidavit](#) attesting to their identity under penalty of perjury.

Voting by mail will also be different, and in most ways easier, for Michiganders in 2024 than it was four years ago. As a response to the COVID-19 pandemic, mail ballot applications were sent to all Michigan voters in 2020. While that policy was not made permanent, and therefore will not be in place in 2024, a new law allows voters to opt into being on a [permanent mail voting list](#) – those on the list will automatically receive a ballot in the mail each election. New laws also provide for [drop boxes](#), [prepaid postage](#), and [online ballot tracking](#), as well as [help ensure every valid ballot is counted](#) by giving voters notification of, and a chance to correct, any errors on their mail ballot applications and their returned mail ballot envelopes.

Election Administration in Michigan: 2020 vs. 2024

Thanks to [Ballot Proposition 2](#) and recent legislation, election administration will also be stronger in Michigan in 2024.

During the 2020 presidential election, the Wayne County canvass board in Michigan attempted to [refuse to certify election results](#), creating confusion for voters and election officials. In response, a provision in [Ballot Proposition 2](#) removes any perceived discretion on the part of canvass boards to arbitrarily refuse to certify results, or certify a different candidate – canvass boards are now required to certify election results based only on the official records of votes cast. Therefore, for the 2024 presidential election, the certification of election results should not be in question in Michigan to the extent it was in 2020.

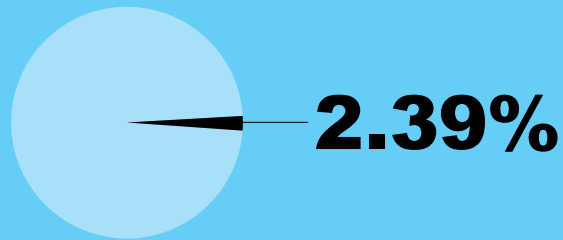
In addition, Michigan enacted two bills, one in [2022](#) and another in [2023](#), that provide more time for election officials to process and tabulate mail ballots, including on-site tabulation of mail ballots returned to an early voting site or polling place.

Nevada

2020 MARGIN

33,596

out of 1.4mil+ ballots cast



2.39%

TOP CHANGES SINCE 2020

- 2020 vote by mail expansion made permanent
- Risk-limiting audits

WHAT TO WATCH IN 2024

- Counties considering hand counts or recounts

The 2024 voter experience in Nevada will be largely similar to 2020 after the state legislature took steps to make then-temporary COVID-19 mail voting rules [permanent](#). Paired with the implementation of procedurally-sound risk-limiting audits designed to reinforce confidence in election results, Nevada has taken important steps toward ensuring a relatively smooth election in 2024.

Still, disinformation will once again play a key role in Nevada elections. While the voter experience is likely to be smooth, at least [one county](#) may attempt a hand count in 2024.

Voter Access in Nevada: 2020 vs. 2024

In 2020, in response to COVID-19, [special legislation](#) made various changes to improve access to mail voting in Nevada during declared states of emergency. The most significant change was that all registered voters automatically received a mail ballot, rather than having to request one. The state also improved the mail ballot return process by requiring one drop box in every county, providing prepaid return postage for mail ballots, and permitting third-party ballot return by anyone (prior law limited return to a voter's family members only). Mail ballots were also accepted as timely when received after Election Day, if they were postmarked by Election Day.

In 2021, the legislature made these policies [permanent](#). As a result, mail voting in Nevada in 2024 will maintain these pro-voter improvements, and operate as it did in 2020. As in

2020, voters who choose not to vote by mail may vote in person instead, either early or on Election Day.

Legislation passed in 2023 will deliver some new improvements to access for voters in underserved communities, as compared to 2020. Under a [new state law](#), Indigenous people living on Indigenous lands in Nevada now have the ability to register to vote and return their ballots electronically using the same secure system as military and overseas voters. This legislation also improves voting procedures for physical ballots, requiring local officials to meet with Indigenous tribes to coordinate polling and drop box locations on their lands. Another [2023 law](#) will improve voting access for eligible incarcerated people in the 2024 election – requiring state officials to provide resources at city and county jails to facilitate voter registration and mail ballot voting.

Election Administration in Nevada: 2020 vs. 2024

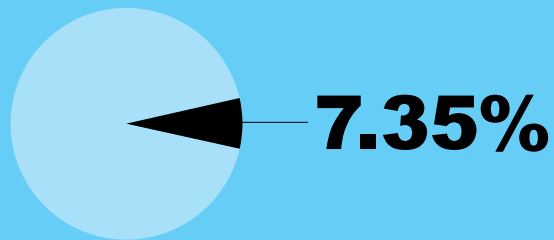
The major change for Nevada election officials in 2024 will be the [new requirement](#) for counties to perform a risk-limiting audit of elections prior to certification of the November 2024 election. With Nevada’s history of extremely close outcomes, a procedurally-sound audit process will hopefully provide increased confidence in the 2024 results.

Further, Nevada is not immune to election conspiracy theories and threats against election officials and workers, and the legislature has taken steps to ensure their safety. A new [law](#) passed in 2021 provides additional protections for election workers from threats of force, intimidation, coercion, violence, restraint, or undue influence. However, at least [one county](#) may attempt a hand count in 2024, which would create additional burdens for local election officials.

New Hampshire

2020 MARGIN

59,277
out of 806,205 ballots cast



TOP CHANGES SINCE 2020

- No mail voting or in-person early voting for most voters due to lapse of temporary 2020 provisions
- New restrictions on voters who register on Election Day

WHAT TO WATCH IN 2024

- Rejection of ballots cast by voters who register on Election Day
- Lower turnout

New Hampshire voters will have significantly less access to the ballot box in 2024 than they did four years prior. After rolling back temporary pandemic-era expansions, New Hampshire is now [one of just three states](#) where the only option for most voters will be to vote in person on Election Day. In addition, [new rules](#) make it more likely that people who register to vote on Election Day will have their ballots rejected.

The potential for improvement remains – an [online portal](#) for voter registration may be approved in time for use in 2024. That said, ongoing [uncertainty](#) over the date of New Hampshire’s primary means voters and election administrators alike have much to prepare and adapt for before voting begins.

Voter Access in New Hampshire: 2020 vs. 2024

In the 2020 election, temporary rules allowed New Hampshire voters to vote by mail with no special excuse required, as well as vote early in person at clerks’ offices. However, those rules have expired and will not apply in 2024, leaving New Hampshire as [one of three states](#) with no in-person early voting and [one of 15 states](#) that still require voters to provide an excuse in order to vote by mail.

It is more likely that ballots cast by voters who register on Election Day will not be counted due to a [law enacted in 2021](#). Under the law, Election Day registrants who do not have an ID must cast an affidavit, or provisional ballot, which will only be counted if they submit a copy of an ID within 10 days. If these voters do not provide a copy of their ID, not only will their ballots not count – the secretary of state must report them to the state’s attorney general for criminal investigation. Under previous law, Election Day registrants without ID could cast a regular ballot if they submitted an affidavit testifying to their identity and had their photo taken.

While [bipartisan legislation](#) that would create an online portal for voter registration passed both chambers this year, that bill died in conference committee. However, if it is reconsidered and enacted prior to the 2024 election, it could help offset the impact of the 2021 law, as some residents who would otherwise register on Election Day may do so online instead.

Election Administration in New Hampshire: 2020 vs. 2024

New laws increasing the penalization and criminalization of election administrators require the attorney general to [investigate misconduct](#) by election officials and create [new civil penalties](#) for election officials who do not perform their duties. Because these laws are both broad and vague, their potential impact on the 2024 election is unclear.

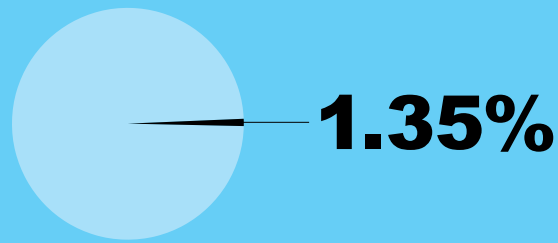
In addition to facing harsher oversight and penalties, another potential disruption to election administration in 2024 is local election officials [facing pressure to hand count ballots](#).

North Carolina

2020 MARGIN

74,483

out of 5.5mil+ ballots cast



TOP CHANGES SINCE 2020

- Strictest mail voting ID requirement in the country
- Photo ID requirement for in-person voting
- Increased poll watcher authority*

WHAT TO WATCH IN 2024

- Rejected mail ballots and provisional ballots cast by eligible voters*

**subject to pending legislation at the time of this report.*

New strict photo ID rules and restrictions to mail voting mean voters will face significantly more barriers to the ballot box in 2024 than they did in 2020. In addition, an expanded potential for mass challenges to mail ballots and increases in poll observers' authority will likely affect both voters and election administrators.

Election denialism and conspiracy theories [continue to shape](#) both the policy and narrative around elections in North Carolina. For a state with a margin of just 1.35 percent in 2020's presidential contest, changes to North Carolina's election rules could play a role in determining the outcome of the 2024 election.

Voter Access in North Carolina: 2020 vs. 2024

Over the last decade, the North Carolina legislature has enacted various photo ID laws – only to be blocked by the state's courts. However, a reconfigured North Carolina Supreme Court reheard and overturned a 2022 decision that previously blocked a photo ID requirement enacted in 2018.

As a result, [a strict photo voter ID law](#) is now in place ahead of the 2024 presidential election. Under this law, voters casting a ballot in person must show ID from a limited

list – non-photo IDs are not accepted. Unlike [most states with voter ID laws](#), the North Carolina law does not generally allow voters to verify their identity in another way, such as submitting a sworn affidavit or casting a provisional ballot that is verified through signature matching.

The 2018 law now in effect also makes it more difficult for voters to cast a ballot by mail. North Carolina voters have long been required to return their mail ballot with a signature from a notary or two witnesses – a relatively high burden that is required in various forms in just seven other states. Now, mail voters also must also include a copy of a photo ID with their witnessed ballot. Only one other state in the country requires a copy of a photo ID be included with a mail ballot, and North Carolina now stands alone as the only state to require both a copy of a photo ID and witness or notary signatures.

A sweeping bill proposed during the 2023 legislative session could make it more likely that mail ballots cast by eligible voters will be discarded. [S.B. 747](#), which was vetoed by Governor Roy Cooper but is a likely target for a veto override at the time of this report, would require election officials to discard all mail ballots received after the close of polls on Election Day. Under current law, election officials can accept mail ballots that are postmarked by Election Day, as long as they are received by 5 p.m. on the third day after the election. This proposed change would have tossed more than [11,000 votes](#) in the 2020 presidential election.

Also noteworthy for 2024 is the lapse of several pro-voter provisions enacted in response to the COVID-19 pandemic. Prior expansions to the early voting period – including the requirement that counties provide some early voting opportunities on each of the two weekends prior to Election Day – will not be in place in 2024.

However, some important 2020 rules remain in place. North Carolina voters can still apply for mail ballots online, and voters will still be afforded the opportunity to correct minor errors on their mail ballot envelopes.

Election Administration in North Carolina: 2020 vs. 2024

Since the 2020 election, the North Carolina legislature has passed – and continues to consider – numerous bills that will make critical changes to election administration in the Tar Heel State.

One [2021 law](#) limits the ability of the State Board of Elections to settle litigation without approval from legislative leadership. This new law could become consequential should the results of the 2024 election be challenged in court.

S.B. 747 – the sweeping 2023 election law mentioned above – could also strain local election officials by increasing poll observers’ authority at polling places and expanding the potential for challenges to ballots cast by mail and in person at early voting centers. These provisions could potentially threaten voter privacy and lead to intimidation tactics against voters and local election officials alike.

Other legislation that could reshape the election administration landscape for 2024 remains pending in North Carolina. [S.B. 749](#), which awaits Gov. Cooper’s signature or veto, would grant more authority to the state legislature in determining members of the state and county election boards.

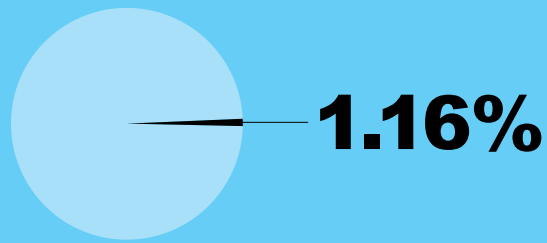
This report details the status of S.B. 747 and S.B. 749 as of September 24, 2023. Both bills are still pending and Voting Rights Lab’s State Voting Rights Tracker will have the latest information on the bills.

Pennsylvania

2020 MARGIN

80,555

out of 6.9mil+ ballots cast



TOP CHANGES SINCE 2020

- Departure of 50+ top election officials since 2020
- Automatic voter registration at the DMV
- Decreased mail voting access due to lapse of temporary 2020 provisions

WHAT TO WATCH IN 2024

- Rejected mail ballots cast by eligible voters
- Potential delays in reporting results in a close election
- Litigation challenging policy implementation and the result of the election

Pennsylvania voters will face fewer barriers when registering to vote this election, but casting a ballot by mail may be more challenging than it was in 2020. Ongoing litigation may also impact whether some eligible voters see their mail ballots rejected in 2024 due to technical errors.

Pennsylvania saw an unusually high number of local election officials resign following the 2020 election. Paired with policies that made Pennsylvania [one of the last swing states](#) to report election results in 2020 – policies that remain in place leading for 2024 – the next presidential election will be a major test for the administration of smooth and accessible elections in the Keystone state.

Voter Access in Pennsylvania: 2020 vs. 2024

The 2024 elections will be the first since Pennsylvania implemented automatic voter registration. Starting in [September 2023](#), every qualified Pennsylvania resident who gets a new or renewed driver's license or ID card from the DMV is automatically registered to vote (unless they opt out).

While registering to vote will be more accessible, it will be somewhat more difficult for Pennsylvanians to vote by mail in 2024 than it was in 2020. Temporary 2020 rules required that election officials count all ballots that were postmarked by Election Day, provided they were received within three days of the election. In 2024, ballots must be received by Election Day in order to be counted.

In addition, some counties (including Allegheny County, home to Pittsburgh) took extra measures to help facilitate mail voting in 2020, such as sending mail ballot applications to all voters. It appears unlikely that such proactive steps will be taken again in 2024.

[Litigation](#) over whether mail ballots that are misdated or undated may be counted remains pending, and could have a meaningful impact on the election.

Election Administration in Pennsylvania: 2020 vs. 2024

While no significant policy changes in election administration have been enacted since 2020, an exodus of local election officials presents a challenge headed into 2024.

In just the two years following the 2020 election, [more than 50 top local election officials](#) left their positions. [Documented cases](#) of intimidation and threats against Pennsylvania election officials continue to unfold, as confusion and disinformation around a 2019 no-excuse mail voting bill persist.

As was the case in 2020, local election officials in Pennsylvania are restricted from processing mail ballots ahead of Election Day, which means it may take several days to glean an accurate picture of election results again in 2024.

Wisconsin

2020 MARGIN

20,682

out of 3.2mil+ ballots cast



TOP CHANGES SINCE 2020

- Bans on drop boxes and third-party ballot return

WHAT TO WATCH IN 2024

- Partisan recounts, litigation, and investigations into the election

Voters will have fewer options to return their mail ballot due to recent litigation banning drop boxes and third-party ballot return – unless additional ongoing litigation and pending legislation change those rules ahead of next year’s election.

With a margin of just 0.63 percent deciding the presidential contest in Wisconsin in 2020, and the state’s highest court coming [just one vote away](#) from overturning that result, all signs point to a hotly-contested race in 2024. Following numerous partisan efforts to [investigate and undermine](#) the results of the 2020 election, recounts, litigation, and further investigations into the electoral process should be expected in 2024.

Voter Access in Wisconsin: 2020 vs. 2024

Although the legislature passed a number of significant restrictions to voter access and election administration in the years following the 2020 election, [these bills](#) have been consistently blocked by gubernatorial vetoes. Instead, most major changes to election law since 2020 have happened in state courts.

Drop boxes were banned throughout the state following a 2022 [ruling](#) by the Wisconsin Supreme Court. Meanwhile, all voters, except those with disabilities, are required to return their own mail ballot. This will create a stark contrast to 2020, when drop boxes were widely available and there were no limits on third-party return of completed ballots.

However, a [new case](#) seeking to reach a reconfigured Wisconsin Supreme Court argues that mail voting is a right, not a privilege. The case seeks to overturn the drop box ban, strike down the witness requirement for mail ballots, and allow voters to correct minor errors on their absentee ballot envelopes after Election Day. If the court decides in the plaintiffs' favor before the 2024 election, this case could significantly expand mail voting access.

[Pending bipartisan legislation](#) that would allow voters to receive text message updates about the status of their mail ballot could further increase voter confidence in mail voting if it becomes law.

Election Administration in Wisconsin: 2020 vs. 2024

While no new laws have significantly altered the administration of elections since 2020, there are signs that highly-politicized forces may play an increased role in the process. [Ongoing partisan maneuvers](#) to remove the nonpartisan administrator of the Wisconsin Elections Commission (WEC) remain active at the time of this report. The WEC is responsible for maintaining the state's voter registration database, certifying elections, and providing policy guidance to clerks throughout the state. Major changes to the WEC could impact the end result of a tight Wisconsin election.

There may also be significant risk of post-election instability in 2024, extending a troubling trend following the 2020 contest. With the legislature having directed two investigations into the conduct of the election in 2020, and given the political stakes in Wisconsin, more partisan investigations and politicized litigation can be expected in 2024.

Conclusion

The landscape of American election law evolved rapidly in the aftermath of the 2020 election. State lawmakers' unprecedented focus on voting options and election administration over the last four years has reshaped the rules of American democracy – all with an eye towards the 2024 election.

In these eight key battleground states that are likely to determine the outcome of next year's presidential election, major policy changes made over the last four years will impact how voters cast their ballots and how local officials run elections. From significant new restrictions in Georgia, New Hampshire, and North Carolina, to new expansive laws in Michigan and Nevada, to the exodus of local election officials in Arizona, Pennsylvania, and Wisconsin, the voter and election administrator experience in 2024 will be largely different than it was in 2020.

While the exact impact of many policy changes remains to be seen, we can be certain that individuals seeking to interfere with elections and confuse voters for their own political gain remain a serious threat – before, during, and after the 2024 presidential election. Despite significant steps being taken to safeguard election officials and protect the certification process, many state and local officials will face similar challenges – disinformation, physical threats, and more – to 2020.

The rules that will govern the 2024 election are being written today. Our team at Voting Rights Lab will continue to follow every new development and identify the latest trends that voters, election officials, and other stakeholders need to know. As always, our [State Voting Rights Tracker](#) contains the latest updates on voting- and election-related legislation moving in all 50 states and D.C.

Voting Rights Lab is a nonpartisan, 501(c)(3) nonprofit organization that brings state policy and legislative expertise to the fight for voting rights. We work in partnership with organizations across the country to secure, protect, and defend the voting rights of all Americans. And we track voting laws and legislation in all 50 states at tracker.votingrightslab.org.

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