



The Health of State Democracies

By Lauren Harmon, Charles Posner, Michele Jawando, and Matt Dhaiti

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Introduction and summary

In the United States, certain rights and privileges of citizenship are protected both by the Constitution and under federal law. In practice, however, state laws are critical in determining the health of the democratic process and the ability of citizens to make their votes count in particular states. Most decisions are made at the state level—by legislation, administrative procedures, or judicial rulings—and the results determine the extent to which citizens experience the robust benefits of a democratic society.

What is a healthy democracy? In the most general sense, democracy means rule by the people. In his book *On Democracy*, Robert Dahl—one of America’s foremost democratic theorists—lays out what he considers to be the five crucial criteria by which to evaluate a democratic system.¹ These are:

- Effective participation
- Voting equality
- Enlightened understanding
- Control of the agenda
- Inclusion of adults

A number of other observers from academia to nongovernmental organizations have offered their own definitions and measures. While this report does not attempt to catalogue them all, it is worthwhile to point out a few approaches in order to contextualize the one used here.

At the global level, Freedom House publishes “Freedom in the World,” an annual report and a comparative assessment of political rights and civil liberties worldwide.² The organization looks at the rights and freedoms that individuals have in democracies, rather than the performance of a country’s government, in considering how democratic, or free, a country’s people are.³ The Economist Intelligence Unit produces the “Democracy Index” to evaluate democracy on five primary parameters: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture.⁴

At the national level, Yale Law Professor Heather Gerken’s influential “The Democracy Index: Why our Election System Is Failing and How to Fix It” focuses on the mechanics of democracy, such as figuring out how many people cast ballots in a given election or how long people wait in line to vote.⁵ It goes into great detail to identify how to solve problems in election administration and has informed other policy-focused work, such as the Pew Charitable Trust’s Elections Performance Index.⁶ Further, the Center for Public Integrity’s “State Integrity Investigation” includes a detailed report card on each state’s corruption risk.⁷

This report aims to take a broader approach to evaluate state-level democratic performance. It evaluates measures such as voting laws, redistricting, campaign finance, fair courts, and more as vital, interconnected pieces of a state democracy. While these topics usually have been analyzed in their own discrete silos, this report examines each state’s performance across measures in order to better examine the diverse criteria necessary for a successful democratic system.

It is impossible, of course, to include and evaluate every factor that may support or detract from a strong state democracy. However, the metrics included in this report were selected specifically to provide meaningful insights into the health of a state’s democracy and, for as many factors as possible, to supply clear policy prescriptions.

This report focuses on 22 individual factors, delineating them into three categories. The Methodology section goes into more detail about how these factors were chosen and constructed and how states were scored. The categories and factors are as follows.

Accessibility of the ballot

- Availability of preregistration
- Availability of online voter registration
- Availability of portable voter registration
- Availability of in-person early voting
- Availability of no-fault absentee voting
- Voter ID laws
- Voting wait time, 2008 and 2012
- Provisional balloting rate, 2008 and 2012
- Participation in the Interstate Crosscheck system
- Motor Voter implementation performance

Representation in state government

- Felony disenfranchisement laws
- Ballot initiative laws
- District distortion
- Female elected representation
- Communities of color elected representation

Influence in the political system

- Campaign contribution limits for individual donors
- Availability of public campaign financing
- Campaign disclosure laws
- Revolving door bans
- Open legislative data
- Judicial recusal laws

This report evaluates all 50 states and the District of Columbia along each of these factors, assigning points based on a state's performance. After combining all the factors, it arrives at ranks and grades within each category, which are then used to calculate an overall rank for each state.⁸

Based on this analysis, the state with the healthiest democracy is Maine, while the state with the weakest democracy is Alabama.

Figure 1 lists the states in ranked order and includes an assigned grade for accessibility of the ballot, representation in state government, and influence in the political system.

FIGURE 1
Overall rankings and category grades

Rank	State	Accessibility of the ballot	Representation in state government	Influence in the political system
1	Maine	B	A	B
2	Montana	C-	A	B-
3	Colorado	B	B	B-
4	District of Columbia	A-	A-	D
5	Vermont	C+	A-	C
6	Hawaii	A-	D	B
7	Minnesota	A	D+	B-
8	Oregon	A	C	D-
9	Washington	C	C+	B-
10	Maryland	B+	D+	B-
11	Florida	B-	D	B+
12	Arizona	F	B	B
13	New Mexico	C+	B	D+
14	New Hampshire	D+	B+	D+
15	Alaska	D	C+	B-
16	Utah	A-	D-	C-
17	Connecticut	C-	D-	A-
18	Wyoming	B-	B-	D-
19	West Virginia	C-	D	B+
20	Massachusetts	C-	C-	C+
21	Delaware	B	D-	C
22	California	B	D+	D

Rank	State	Accessibility of the ballot	Representation in state government	Influence in the political system
23	Illinois	C	C-	D+
24	New Jersey	D+	D+	C+
25	North Dakota	D+	B+	F
26	Iowa	B-	D	D-
27	Nevada	C-	C	D-
28	Michigan	F	C	C+
29	Arkansas	F	C	C-
30	Oklahoma	D+	D+	D+
31	Rhode Island	D	F	B
32	South Dakota	D-	C	D
33	Ohio	F	B-	F
34	Georgia	F	D+	D+
35	Louisiana	D+	D	D
36	Idaho	C-	D	D-
37	Wisconsin	C	D+	F
38	Nebraska	C	C	F
39	Kansas	D-	F	C
40	Texas	F	C+	D-
41	Missouri	F	B-	F
42	North Carolina	F	D-	C
43	Pennsylvania	F	C	F
44	New York	D-	F	C
45	South Carolina	F	D+	F
46	Mississippi	F	C	D
47	Indiana	D-	D+	F
48	Kentucky	F	F	D+
49	Tennessee	F	D-	D
50	Virginia	F	F	D-
51	Alabama	F	D-	F

Source: Center for American Progress Action Fund analysis. For more details, see Methodology section of Lauren Harmon and others, "The Health of State Democracies" (Washington: Center for American Progress Action Fund, 2015).

Taking a closer look at states' rankings and grades, and putting them in the context of our nation's political and electoral environment, the authors made the following six findings.

- **States offer vastly different democratic experiences to their residents.**

Depending on the state in which someone lives, a citizen can have vastly different experiences with respect to voting, representation, and accountability. In one state, a citizen may be able to vote three weekends before Election Day; in another, she may be forced to wait in a long line on Election Day to cast a ballot. In one state, a citizen may have elected officials who are nearly representative of the state's demographic makeup; in another, some groups may be woefully underrepresented. One citizen may live in a state where elected officials are beholden to big money, while in the state next door, policymakers could be trying to counteract its influence.

- **Even within states, there can be volatility from one category to another.** Given the diverse set of issues covered in this report, states rarely excel across all three categories of the evaluation. Twelve states got at least an A or B in one category while receiving a D or lower in another. Oregon, for example, got an A in accessibility of the ballot but a D- in influence in the political process.

- **Every state has room for improvement.** From the highest-ranked states to the lowest, each state can take concrete steps to improve its residents' democratic experience. Maine, the top-ranked state on the list, still scored poorly on factors such as Motor Voter implementation and online voter registration. Alabama, in the bottom slot, performs well in certain aspects, including having a two-year revolving door ban.

- **States that rank better on accessibility of the ballot have significantly higher voter turnout.** Average voter turnout in the 2012 election among the top 10 states for accessibility was 62.3 percent. Among the bottom 10 states in that category, turnout was nearly 4 percentage points lower, at 58.5 percent. Correlation does not equal causation, but this result is worth noting for state officials seeking to increase citizen engagement.

- **States previously covered by Voting Rights Act preclearance requirements performed poorly in accessibility of the ballot.** Following the ruling in *Shelby County v. Holder*, states previously covered by preclearance requirements under the Voting Rights Act were no longer required to receive prior approval for changes to their voting laws. This includes nine states covered in total, as well as an additional six states in which only particular counties or townships were previously subject to preclearance. While several of these states may perform well in other categories, each of the nine states that were covered in total by preclearance requirements performs poorly in accessibility of the ballot: They are ranked in the bottom half of all states in that section, and none gets a grade higher than a D+. ⁹
- **States have a lot of room for improvement to ensure that elected leaders reflect state demographics as a whole.** There is no state in which women are overrepresented in elective office and only two—Vermont and Mississippi—in which people of color are represented in the state’s elective offices at or above their share of the population at large. And doing well in one measure is no guarantee of doing well in the other: Oklahoma, which ranks first in female elected representation, ranks last in communities of color elected representation.
- **The strength of laws related to influence in the political system are a particularly weak spot for states.** Just one state received an A- grade in this category, fewer than any other category. Four states got an A or A- in representation, and five got an A or A- in accessibility.
- **While the District of Columbia ranks high overall, its democratic health is extremely weak.** This report includes the District of Columbia and compares components of its democracy to that of the 50 states. Based on the factors that are possible to measure, the District of Columbia ranks fourth overall. The relatively strong performance is largely a product of local measures implemented by the District’s mayors and city councilmembers over the years. Of course, thinking more broadly, the quality of the District’s democracy is deeply undermined by its lack of voting representation in Congress or local budget control. Washington’s citizens—like all citizens—are required to pay federal taxes, serve on federal juries, and fight in national wars, yet a Congress comprised of members elected from other states has final authority over its budget and laws. Congress also has the ability to override the outcomes of the relatively high functioning democratic process the District has set up to try to govern itself.

Ultimately, this report aims to magnify where states do well and where they can improve. The following sections walk through each of the three categories, describing the factors that make up each, why they have been included, and how states perform in them. The report then offers policy recommendations based on each category and the factors within it. These include modernizing voter registration, eliminating barriers to participation and representation, and exposing and limiting the influence of big money in the political system.

Accessibility of the ballot: Making sure everyone's vote counts

It is critical for citizens to know that they can have a say in state government by casting a vote and having it counted. Yet the continued shift of voting rights battles to the states highlights that where one lives too often determines his or her ability to participate in this fundamental exercise in democracy. This category's ranks and grades draw on a number of factors that indicate whether citizens in a particular state have convenient, accessible ways to exercise their right to the ballot or whether unnecessary roadblocks are thrown in their path. These factors include:

- Availability of preregistration
- Availability of online voter registration
- Availability of portable voter registration
- Availability of in-person early voting
- Availability of no-fault absentee voting
- Voter ID laws
- Voting wait time in minutes, 2008 and 2012
- Provisional balloting rate, 2008 and 2012
- Participation in the Interstate Crosscheck system
- Motor Voter implementation performance

There are countless metrics that can create differences in accessibility of the ballot among states. These particular factors were chosen because of their effect on voters and the voter experience and because the majority of them are policy driven.

Based on this analysis, states that rank better on accessibility of the ballot have significantly higher voter turnout. Average voter turnout in the 2012 election among the top 10 accessibility states was 62.3 percent. Among the bottom 10 states in that category, turnout was nearly 4 percentage points lower, at 58.5 percent. Again, while this does not represent a causal link, it does indicate that these factors could be key in helping states achieve higher participation in elections.

States previously covered by Voting Rights Act preclearance requirements perform poorly in accessibility of the ballot. Following the ruling in *Shelby County v. Holder*, states previously covered by preclearance requirements under the Voting

Rights Act are no longer required to receive prior approval to change their voting laws. Nine states are covered by this in total, and an additional six states—where only particular counties or townships were previously subject to preclearance—are partially affected. While several of these states may perform well in other categories, each of the nine states that were covered in total by preclearance requirements performs poorly in accessibility of the ballot: They are ranked in the bottom half of all states in that section, and none gets a grade higher than a D+. ¹⁰

Figure 2 indicates the rank and grade for all states and the District of Columbia in the accessibility of the ballot category.

FIGURE 2

Accessibility of the ballot: Rankings and grades

State	Rank	Grade	State	Rank	Grade
Alabama	48	F	Montana	25	C-
Alaska	31	D	Nebraska	17	C
Arizona	39	F	Nevada	20	C-
Arkansas	41	F	New Hampshire	26	D+
California	9	B	New Jersey	29	D+
Colorado	10	B	New Mexico	16	C+
Connecticut	23	C-	New York	34	D-
Delaware	8	B	North Carolina	47	F
District of Columbia	5	A-	North Dakota	27	D+
Florida	11	B-	Ohio	37	F
Georgia	37	F	Oklahoma	30	D+
Hawaii	3	A-	Oregon	1	A
Idaho	22	C-	Pennsylvania	44	F
Illinois	18	C	Rhode Island	32	D
Indiana	33	D-	South Carolina	40	F
Iowa	12	B-	South Dakota	34	D-
Kansas	36	D-	Tennessee	50	F
Kentucky	41	F	Texas	44	F
Louisiana	28	D+	Utah	4	A-
Maine	7	B	Vermont	14	C+
Maryland	6	B+	Virginia	44	F
Massachusetts	24	C-	Washington	15	C+
Michigan	48	F	West Virginia	21	C-
Minnesota	2	A	Wisconsin	19	C
Mississippi	51	F	Wyoming	13	B-
Missouri	43	F			

Source: Center for American Progress Action Fund analysis. For more details, see Methodology section of Lauren Harmon and others, “The Health of State Democracies” (Washington: Center for American Progress Action Fund, 2015).

Availability of preregistration

Identifying and implementing measures to increase youth participation is a critical factor in measuring a healthy democracy, as young voters significantly underperform compared with the overall voting age population. According to FairVote, while 71 percent of all eligible voters are registered to vote, only 59 percent of eligible young voters ages 18 to 24 are registered.¹¹ Preregistration allows 16- and/or 17-year-olds to complete an early registration form and be automatically added to the voting rolls when they reach voting age.¹² Allowing young people to preregister to vote—particularly when many will be interacting with their state’s department of motor vehicles to apply for a driver’s license—eases barriers to registration. And when young voters are registered, they vote: In 2008, 83 percent of registered young voters cast ballots.¹³ A separate Duke University analysis found that implementing preregistration increases young voter turnout by 8 to 13 percentage points across demographic variables such as gender, race, and political party.¹⁴

While several states, including California, Massachusetts, and Louisiana,¹⁵ have taken steps to expand preregistration, North Carolina eliminated its preregistration program as part of a package of voter restrictions in advance of the 2014 election.¹⁶ Currently, 14 states and the District of Columbia offer preregistration to 16- and 17-year-olds, while 36 states do not. Figure 3 indicates the extent to which preregistration is available across states.

Availability of online voter registration

Online voter registration is a cost-effective, convenient option, particularly for young voters and overseas voters. A 2012 report from the Fair Elections Legal Network that examined the performance of California’s online registration system across several counties found that, while voters younger than age 26 comprised 12 percent of the overall registrations in the studied counties, they made up a disproportionate 28 percent of online registrants.¹⁷ The report additionally found that online registrants turned out at a higher rate than those using a traditional paper form.¹⁸ Furthermore, not only youth voters stand to gain from online registration: According to the 2014 report of the Presidential Commission on Election Administration, which recommends that states implement online registration, “military and overseas voters represent the population most likely to benefit from increased use of the internet in the registration process.”¹⁹ States that have implemented online registration have reported “significant cost savings.” In Arizona, for example, a 2010 case study found that paper registrations cost 83 cents to process, whereas online registrations cost

just 3 cents.²⁰ Online voter registration is not only cost effective, but it also reduces registration errors and increases voter roll accuracy.²¹ Maricopa County, Arizona, one of the first jurisdictions to implement online registration, found that paper registrations introduce five times more errors into the system than online registrations.²²

Since Arizona started offering online voter registration in 2002, 27 additional states and the District of Columbia have followed suit.²³ Now, online voter registration comprises more than 70 percent of Arizona's total registrants.²⁴ Currently, 28 states and the District of Columbia offer online voter registration, while 22 states do not. Figure 3 details the states in which online voter registration is currently available.

Availability of portable voter registration

Portable voter registration, or portability, removes a barrier to voting by making it easier for citizens to vote after they change addresses. In states with portability, registered voters' records move with them as they move, as long as the move is within the same state. This is most commonly accomplished in two ways: portable registration and same-day registration.²⁵ Same-day registration allows voters to register—or update their registration—and cast a ballot on Election Day. Portable registration is effectively an extension of same-day registration, as the administration process is very similar. States with portable registration merely allow voters already registered in the state to update their address at the point of voting.²⁶

Providing portability has significant benefits for voting access. Same-day registration—first implemented in Maine, Minnesota, and Wisconsin in the mid-1970s²⁷—is linked to higher voter participation: In 2012, states with a same-day registration option had average voter turnout rates 10 points higher than those that did not.²⁸ There is a demand for such policies in other states: New research sponsored by *The Washington Post* that examines Google searches for the term “register to vote” in the days leading up to the 2012 election demonstrates that “keeping registration open through Election Day in 2012 would have allowed an additional 3 to 4 million Americans to register and vote.”²⁹ Furthermore, providing portable voter registration is one way to help voters most affected by stricter registration and ballot requirements—minority voters, young voters, and mobile populations—as it provides the best, most convenient opportunity to maintain an accurate and up-to-date voter registration status.³⁰ In North Carolina in 2008, for example, African American voters, who represented 20 percent of the state's voting-age population, comprised 36 percent of those who took advantage of same-day registration in the first year it was offered.³¹

This report credits states that have passed any form of portability, be it same-day registration or portable registration. Thirty states do not have any form of portable voter registration. Among those that do, 13 states have implemented or passed a law allowing for same-day registration, 4 states have portable registration, and 3 states and District of Columbia have some combination of both. Figure 3 indicates states in which portability is available.

FIGURE 3
Voter registration

Summary of pre-registration, online registration, and portable registration laws

State	Voter preregistration for 16- and 17-year-olds	Online voter registration	Portable registration
Alabama	No	No	No portable registration
Alaska	No	No	No portable registration
Arizona	No	Yes	No portable registration
Arkansas	No	No	No portable registration
California	Yes	Yes	Same-day registration*
Colorado	Yes	Yes	Portable registration and same-day registration
Connecticut	No	Yes	Same-day registration
Delaware	Yes	Yes	Portable registration
District of Columbia	Yes	Yes	Portable registration and same-day registration
Florida	Yes	Yes	Portable registration
Georgia	No	Yes	No portable registration
Hawaii	Yes	Yes	Same-day registration**
Idaho	No	No	Same-day registration
Illinois	No	Yes	Same-day registration
Indiana	No	Yes	No portable registration
Iowa	No	Yes	Same-day registration
Kansas	No	Yes	No portable registration
Kentucky	No	No	No portable registration
Louisiana	Yes	Yes	No portable registration
Maine	Yes	No	Same-day registration
Maryland	Yes	Yes	Portable registration and same-day registration
Massachusetts	Yes	Yes	No portable registration

State	Voter preregistration for 16- and 17-year-olds	Online voter registration	Portable registration
Michigan	No	No	No portable registration
Minnesota	No	Yes	Same-day registration
Mississippi	No	No	No portable registration
Missouri	No	Yes	No portable registration
Montana	No	No	Same-day registration
Nebraska	Yes	Yes	No portable registration
Nevada	No	Yes	No portable registration
New Hampshire	No	No	Same-day registration
New Jersey	No	No	No portable registration
New Mexico	No	Yes	No portable registration
New York	No	Yes	No portable registration
North Carolina	No	No	No portable registration
North Dakota	No	No	No portable registration
Ohio	No	No	Portable registration and same-day registration
Oklahoma	No	Yes	No portable registration
Oregon	Yes	Yes	Portable registration
Pennsylvania	No	No	No portable registration
Rhode Island	Yes	No	No portable registration
South Carolina	No	Yes	No portable registration
South Dakota	No	No	No portable registration
Tennessee	No	No	No portable registration
Texas	No	No	No portable registration
Utah	Yes	Yes	Portable registration
Vermont	No	No	Same-day registration
Virginia	No	Yes	No portable registration
Washington	No	Yes	No portable registration
West Virginia	Yes	Yes	No portable registration
Wisconsin	No	No	Same-day registration
Wyoming	No	No	Same-day registration

*California's same-day registration will take effect on January 1 of the year following certification by the Secretary of State.

**Not implemented until 2018

Sources: Preregistration: National Conference of State Legislatures, "Pre-Registration For Young Voters," available at <http://www.ncsl.org/research/elections-and-campaigns/preregistration-for-young-voters.aspx> (last accessed June 2015); Shira Schoenberg, "Massachusetts Gov. Deval Patrick signs early voting into law," Masslive.com, May 22, 2014, available at http://www.masslive.com/politics/index.ssf/2014/05/massachusetts_gov_deval_patric_32.html (last accessed June 2015); Office of Utah Governor Gary Herbert, "Governor signs 42 bills including measure against White Collar Crime," March 24, 2015, available at http://www.utah.gov/governor/news_media/article.html?article=20150324-1 (last accessed June 2015). Online registration: National Conference of State Legislatures, "Online Voter Registration," available at <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx> (last accessed June 2015); Jason Noble, "Online voter registration coming to Iowa in early 2016," The Des Moines Register, January 20, 2015, available at <http://www.desmoinesregister.com/story/news/politics/2015/01/20/online-voter-registration-iowa/22062699/>. Portable registration: National Conference of State Legislatures, "Same Day Voter Registration," June 2, 2015, available at <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx> (last accessed June 2015); Brennan Center for Justice, "VRM in the States: Portability," January 16, 2014, available at <http://www.brennancenter.org/analysis/vrm-states-portability> (last accessed June 2015).

Availability of in-person early voting

Reed College political science Professor Paul Gronke of the Early Voting Information Center has called early voting a “quiet revolution.”³² According to the Brennan Center for Justice, in-person early voting opportunities lead to shorter Election Day lines; expanded opportunities to identify and solve registration errors; and above all, a better, more accessible voter experience.³³

The opportunity for voters to cast ballots in person prior to Election Day has played a pivotal role in recent U.S. electoral outcomes. Prior to the 2008 election, the demographic and partisan breakdown of early voters tracked those of Election Day voters fairly closely; in 2008, however, this changed. In that election, Hispanic voters increased their usage of in-person early voting to match white voters at 17 percent, while 24 percent of African American voters cast early ballots.³⁴ By the Wednesday prior to Election Day, 27 percent of all registered voters had cast ballots, including 36 percent of African American voters.³⁵

Since 2011, eight states have passed laws that cut back early voting,³⁶ either by limiting the number of days or restricting the hours in which voters can vote early. Many of these cuts are to evening and weekend hours, when minority voters are more likely to cast ballots.³⁷ According to a 2008 study of Ohio voting, of the weekend voters in Cuyahoga County—the most populous of Ohio’s 88 counties—56 percent were African American.³⁸

Three states—Colorado, Oregon, and Washington—conduct all elections by mail, with varying options for early voting. Because all of these states provide opportunities for voters to cast ballots before Election Day—whether by in-person early voting or by dropping off a mail ballot³⁹—this report fully credits these states for their availability of in-person early voting.

Aside from these 3 states, 34 states and the District of Columbia offer in-person early voting; 15 of these states and the District of Columbia allow for at least some voting hours on weekends.⁴⁰ Figure 4 indicates the availability of in-person early voting by state; for states with early voting, it also indicates whether law requires polling places to be open during at least some weekend hours.

Availability of no-fault absentee voting

No-fault absentee voting allows voters the convenient option of voting from home. While all states will provide an absentee ballot to qualified voters who request one, 20 states require the voter to provide a qualified excuse before they can receive a ballot.⁴¹ Twenty-seven other states and the District of Columbia, however, offer no-fault absentee voting, meaning that any registered voter can request a mail ballot and vote from home.⁴² Of these, seven states and the District of Columbia offer the opportunity for voters to join a permanent absentee voting list, signing up one time to receive mail-in ballots for all future elections automatically, while an additional nine states have a provision for some but not all voters—often overseas voters or voters with disabilities—to join a permanent absentee voting list.⁴³

As mentioned above, Colorado, Oregon, and Washington conduct vote-by-mail elections. This report fully credits these states for an all-mail voting system, as it provides the same essential benefit as no-fault absentee: Voters can cast ballots from the convenience of their home, at the time and in the environment that they find most convenient.

Figure 4 indicates states in which voters may cast an absentee ballot without submitting a qualified excuse.

FIGURE 4

Early and absentee voting

Summary of in-person early voting and no-fault absentee voting laws

State	Early or in-person absentee voting	No-fault absentee voting, or vote by mail
Alabama	No early voting	No
Alaska	Yes, with mandatory weekends	Yes
Arizona	Yes, without mandatory weekends	Yes
Arkansas	Yes, with mandatory weekends	No
California	Yes, without mandatory weekends	Yes
Colorado	Yes*	Yes, vote-by-mail
Connecticut	No early voting	No
Delaware	No early voting	No
District of Columbia	Yes, with mandatory weekends	Yes
Florida	Yes, with mandatory weekends	Yes
Georgia	Yes, with mandatory weekends	Yes
Hawaii	Yes, without mandatory weekends	Yes
Idaho	Yes, without mandatory weekends	Yes
Illinois	Yes, without mandatory weekends	Yes

State	Early or in-person absentee voting	No-fault absentee voting, or vote by mail
Indiana	Yes, with mandatory weekends	No
Iowa	Yes, with mandatory weekends	Yes
Kansas	Yes, without mandatory weekends	Yes
Kentucky	No early voting	No
Louisiana	Yes, with mandatory weekends	No
Maine	Yes, without mandatory weekends	Yes
Maryland	Yes, with mandatory weekends	Yes
Massachusetts	Yes, without mandatory weekends	No
Michigan	No early voting	No
Minnesota	Yes, with mandatory weekends	Yes
Mississippi	No early voting	No
Missouri	No early voting	No
Montana	Yes, without mandatory weekends	Yes
Nebraska	Yes, without mandatory weekends	Yes
Nevada	Yes, with mandatory weekends	Yes
New Hampshire	No early voting	No
New Jersey	Yes, without mandatory weekends	Yes
New Mexico	Yes, with mandatory weekends	Yes
New York	No early voting	No
North Carolina	Yes, without mandatory weekends	Yes
North Dakota	Yes, without mandatory weekends	Yes
Ohio	Yes, with mandatory weekends	Yes
Oklahoma	Yes, with mandatory weekends	Yes
Oregon	Yes*	Yes, vote by mail
Pennsylvania	No early voting	No
Rhode Island	No early voting	No
South Carolina	No early voting	No
South Dakota	Yes, without mandatory weekends	Yes
Tennessee	Yes, without mandatory weekends	No
Texas	Yes, without mandatory weekends	No
Utah	Yes, with mandatory weekends	Yes
Vermont	Yes, without mandatory weekends	Yes
Virginia	No early voting	No
Washington	Yes*	Yes, vote by mail
West Virginia	Yes, with mandatory weekends	No
Wisconsin	Yes, without mandatory weekends	Yes
Wyoming	Yes, without mandatory weekends	Yes

*State has vote-by-mail system and therefore receives full credit in this category.

Sources: Early voting: National Conference of State Legislatures, "Absentee and Early Voting," February 11, 2015, available at <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>; Shira Schoenberg, "Massachusetts Gov. Deval Patrick signs early voting into law," Masslive.com, May 22, 2014, available at http://www.masslive.com/politics/index.ssf/2014/05/massachusetts_gov_deval_patric_32.html; In states with early voting according to those sources, weekend hours were determined according to: Early Voting Information Center, "General Early voting Calendar (2014)," available at https://docs.google.com/spreadsheets/d/1LuYVUJaMXbZODWD51pRtWHf5b1_TmUvZ4XKBMs04I/edit#gid=0. No-fault absentee voting: National Conference of State Legislatures, "Absentee and Early Voting," February 11, 2015, available at <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>.

Voter ID laws

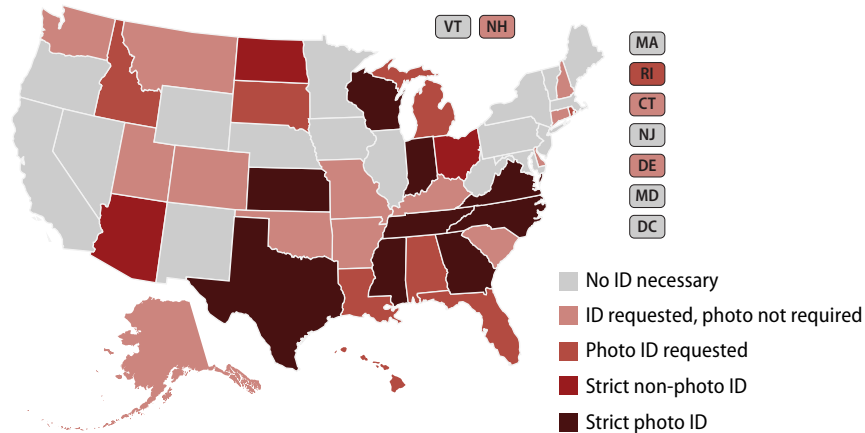
Voter identification laws disenfranchise voters who are unable to produce personal identification documents to the satisfaction of the state. According to the Government Accountability Office, states that made voter ID requirements more restrictive in advance of the 2012 presidential election saw a steeper drop-off in voter turnout than other states—with a disproportionate effect among African American and young voters.⁴⁴ The numbers tell a similar story in states that have enacted new legislation since the 2012 election. For instance, now that the Supreme Court has determined that Wisconsin’s voter ID requirements should take effect,⁴⁵ roughly 300,000 voters—largely Hispanic and African American voters—will lack the required documents.⁴⁶ In South Carolina, roughly 178,000 voters lack the required identification to cast a vote,⁴⁷ with an Associated Press analysis finding that this new requirement hits African American voters particularly hard.⁴⁸ And in Texas, African American voters are 305 percent more likely than white voters to lack ID, while Hispanic voters are 195 percent more likely to be unable to produce the required documentation.⁴⁹ These restrictive identification requirements most likely contributed to Texas’ voter turnout dropping 5 percentage points from 2010 to 2014.⁵⁰ Seniors are also disproportionately affected by voter ID rules: According to AARP, approximately 8 million people over 65 years of age, or almost 20 percent of this age group, do not have a government-issued photo ID and are “more likely to lack birth certificates because they were born before recording births was standard procedure.”⁵¹

Thirty-three states have passed laws requesting or requiring voters to show some form of identification to cast a ballot.⁵² Figure 6 indicates whether states have voter ID requirements, and if so, what type of law—photo versus non-photo, strict versus nonstrict—has been enacted. Eight states—predominantly southern, conservative-leaning states, plus the recent addition of Wisconsin—require photo identification from voters in order to cast a ballot.

FIGURE 5

Voter identification laws

Summary of voter identification requirements



Source: National Conference of State Legislatures, "Voter Identification Requirements | Voter ID Laws," March 24, 2015, available at <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>; Pam Fessler, "Supreme Court Declines To Hear Challenge To Strict Wisconsin Voter ID Law," NPR, March 23, 2015, available at <http://www.npr.org/sections/itsallpolitics/2015/03/23/394898151/supreme-court-declines-challenge-to-strict-wisconsin-voter-id-law>.

Voting wait time in minutes, 2008 and 2012

One of the most easily identifiable indicators of a positive voter experience is a short wait time at the polls. According to the Pew Charitable Trust, "Average wait time is one measure of the ease of voting: The less time a voter waits to cast a ballot, the more convenient the experience."⁵³ Wait times, however, vary dramatically both among voting locations and between elections. According to the Presidential Commission on Election Administration—which was established in 2013 to "identify best practices in election administration and to make recommendations to improve the voting experience"⁵⁴—more than 5 million voters waited for more than an hour to cast a ballot in 2012.⁵⁵ This can serve as a significant barrier to voting: One analysis of Florida voters in the 2012 presidential election found that some 201,000 people may have simply given up on voting due to some of the longest Election Day voting lines in the country.⁵⁶ Importantly, however, this was not an equal occurrence across demographic groups. A Massachusetts Institute of Technology study nationwide found that African American and Hispanic voters experienced the longest wait times: White voters averaged a 12-minute wait, while African American voters averaged a 23-minute wait and Hispanic voters averaged a 19-minute wait.⁵⁷

The commission issued a recommendation in its 2014 report that election administration officials should aim for all voting wait times to be no longer than 30 minutes. It wrote that “Any wait time that exceeds this half-hour standard is an indication that something is amiss and that corrective measures should be deployed.”⁵⁸ Long wait times are the output of a broken electoral system, confusing or restrictive registration rules, narrow or nonexistent early and absentee voting opportunities, and a constant influx of new voter ID requirements—all of which have been shown to disproportionately affect minority voters. To fix wait times, states must address these underlying factors.

For this analysis, 2008 and 2012 numbers are used rather than 2014 numbers, as presidential elections—and the larger voter turnout they draw—provide a better stress test assessment opportunity than midterm election cycles. In addition, looking at both years smooths out any anomalies in the data that may occur due to incidents such as a natural disaster, which could negatively affect turnout. In 2008, South Carolina had the longest average wait time at more than an hour—61.5 minutes to be exact—while in 2012, Florida led the nation, with the average voter there waiting 45 minutes to cast a ballot. The states with the shortest wait times were all among the least populous states: Vermont had the shortest wait times in both 2008 and 2012, while Maine and South Dakota had the second and third shortest wait times in 2008. Maine and Alaska were numbers two and three in 2012. Figure 5 lists average voting wait times for all states and the District of Columbia in both years.

FIGURE 6
Voting wait times

Average length of wait for voters during the 2012 and 2008 presidential elections

State	Voting wait time in 2012 election, in minutes	Voting wait time in 2008 election, in minutes	State	Voting wait time in 2012 election, in minutes	Voting wait time in 2008 election, in minutes
Alabama	11.3	14.3	Montana	16.5	6.2
Alaska	3.7	5.7	Nebraska	5.8	9.3
Arizona	10.8	23.7	Nevada	8.5	12.1
Arkansas	12.9	21.5	New Hampshire	10.7	7.5
California	5.8	13.6	New Jersey	4.7	7.4
Colorado	6.3	12.6	New Mexico	4.2	12.3
Connecticut	8.5	10.1	New York	9.5	8.5
Delaware	4.9	12.2	North Carolina	13.5	21
District of Columbia	33.9	N/A	North Dakota	7.5	5.3
Florida	45	28.8	Ohio	11	15.6
Georgia	17.8	37.6	Oklahoma	15.9	22.4
Hawaii	7	5.7	Oregon*	N/A	N/A
Idaho	7.1	6.5	Pennsylvania	9.1	14.5
Illinois	11.7	9.3	Rhode Island	11.7	5.2
Indiana	14.3	24.1	South Carolina	25.2	61.5
Iowa	7.5	5	South Dakota	4.3	3.9
Kansas	11.5	10.8	Tennessee	13.7	19.4
Kentucky	8	12.3	Texas	12.4	12
Louisiana	20.2	19.1	Utah	10.3	13.7
Maine	3.7	4.4	Vermont	2	2.5
Maryland	29.2	24.5	Virginia	23.6	28.7
Massachusetts	8.8	5.6	Washington*	N/A	N/A
Michigan	21.9	20.4	West Virginia	9.8	15
Minnesota	6.2	8.6	Wisconsin	8.2	7.9
Mississippi	7.7	11	Wyoming	4.5	5.6
Missouri	12.7	25.9			

*These states conducted elections in 2012 using a vote-by-mail system. As such, this factor was not included in analysis of their performance.

Source: Charles Stewart, "2012 Survey of the Performance of American Elections" (Cambridge, MA: Massachusetts Institute of Technology, 2013), available at https://thedata.harvard.edu/dvn/dv/SPAEE/faces/study/StudyPage.xhtml?globalId=hdl:1902.1/216248&studyListingIndex=0_10fbef3cf729d36ab0185f670e1d; data via The Pew Charitable Trusts, "Elections Performance Index," available at <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/elections-performance-index#indicatorProfile-WTV> (last accessed March 2015).

Provisional balloting rate, 2008 and 2012

Provisional ballot use often correlates to areas with strong community of color representation. In addition, when cast, provisional ballots often are not counted and indicate a greater breakdown in the electoral apparatus. Congress passed the 2002 Help America Vote Act, or HAVA, in the wake of 2000's deeply troubling presidential election ballot controversy. HAVA, which made "sweeping reforms to the nation's voting process," "creates new mandatory minimum standards for states to follow in several key areas of election administration," such as upgrading voting equipment, complaint procedures, and statewide databases of registered voters.⁵⁹ It also created the Election Assistance Commission, or EAC, to provide HAVA funding to states for the implementation of these new reforms.⁶⁰ Additionally, HAVA established the provisional ballot process as a fail-safe measure to ensure that voters who are not listed on the official voter roll would still have an opportunity to cast a ballot and, if determined eligible to vote, have it counted.⁶¹ There are, however, serious issues with the current provisional balloting process.

In examining election administration performance, provisional ballot rates may "serve as a proxy for breakdowns" in the electoral process,⁶² as they are used when voters face issues at the polls that preclude their casting a regular ballot. While more than 2.7 million provisional ballots were cast in 2012,⁶³ more than 30 percent were either not fully counted or rejected altogether.⁶⁴ A 2014 Center for American Progress report, "Uncounted Votes: The Racially Discriminatory Effects of Provisional Ballots," found a statistically significant correlation across 16 states between the use of provisional ballots in the 2012 election and counties with a high percentage of minority voters.⁶⁵

Because of the issues with the current provisional balloting system, states with a lower provisional ballot rate in the 2008 and 2012 elections receive a higher score in this report. As with voting wait times, this analysis examines 2008 and 2012 data rather than data from 2014 because presidential election data provide a better opportunity to assess a state's performance than the lower-turnout, midterm elections, and multiple years of data help better address any potential anomalies present in a given year. Five states are exempt from issuing provisional ballots under HAVA: Idaho, Minnesota, New Hampshire, and Wisconsin, as they offer same-day registration and thus avoid the Election Day issues provisional ballots are meant to mitigate; and North Dakota, which does not require voters to register before casting a ballot.⁶⁶ They receive full credit in our scoring.

Wisconsin still offers provisional ballots for voters who do not meet the identification requirement and therefore was included in the rankings.⁶⁷ Four other states—Mississippi, South Carolina, West Virginia, and Wyoming—did not provide enough data to determine their rates of provisional ballots cast; they therefore have been omitted.

Wisconsin, which began to offer same-day registration in 1976,⁶⁸ has the lowest rate of provisional ballots cast in both 2008 and 2012; in 2012, it reported less than one provisional ballot issued for every 20,000 total votes cast. Conversely, the worst performing states issue provisional ballots at rates several orders of magnitude higher: The District of Columbia issued provisional ballots to 6.5 percent of its voters in 2008 and 13 percent in 2012, while Alaska, Arizona, and California all issued them to more than 5 percent of voters in both years. Figure 7 indicates the rates of provisional ballots cast in the 2008 and 2012 elections.

FIGURE 7
Provisional balloting rate

Rate of provisional ballots cast in the 2008 and 2012 elections

State	Rate of provisional ballots cast, 2012	Rate of provisional ballots cast, 2008
Alabama	0.37%	Insufficient data
Alaska	6.00%	6.20%
Arizona	7.90%	6.50%
Arkansas	0.24%	0.20%
California	8.10%	5.80%
Colorado	2.40%	2.20%
Connecticut	0.06%	0.04%
Delaware	0.11%	0.10%
District of Columbia	13.0%	6.50%
Florida	0.50%	0.42%
Georgia	0.53%	0.44%
Hawaii	0.16%	0.11%
Idaho*	N/A	N/A
Illinois	0.82%	Insufficient data
Indiana	0.18%	Insufficient data
Iowa	0.31%	0.28%
Kansas	3.50%	3.20%
Kentucky	0.02%	0.05%

State	Rate of provisional ballots cast, 2012	Rate of provisional ballots cast, 2008
Louisiana	0.34%	0.41%
Maine	0.04%	Insufficient data
Maryland	2.90%	1.90%
Massachusetts	0.41%	0.38%
Michigan	0.06%	0.08%
Minnesota*	N/A	N/A
Mississippi	Insufficient data	Insufficient data
Missouri	0.23%	0.23%
Montana	1.10%	0.76%
Nebraska	1.90%	1.90%
Nevada	0.82%	0.68%
New Hampshire*	N/A	N/A
New Jersey	2.70%	1.80%
New Mexico	0.97%	0.82%
New York	6.90%	Insufficient data
North Carolina	1.10%	1.20%
North Dakota*	N/A	N/A
Ohio	3.70%	3.60%
Oklahoma	0.40%	0.19%
Oregon	0.10%	0.17%
Pennsylvania	0.85%	0.54%
Rhode Island	0.52%	0.16%
South Carolina	Insufficient data	0.49%
South Dakota	0.12%	0.08%
Tennessee	0.29%	0.17%
Texas	0.64%	0.51%
Utah	5.20%	4.50%
Vermont	0.01%	0.01%
Virginia	0.33%	0.25%
Washington	0.21%	1.80%
West Virginia	Insufficient data	Insufficient data
Wisconsin*	0.01%	0.01%
Wyoming	Insufficient data	Insufficient data

*These states are exempt from issuing provisional ballots under the Help America Vote Act of 2002. Wisconsin still uses provisional ballots for certain reasons and is therefore included. For details, see Methodology section.

Source: U.S. Election Assistance Commission, "Election Administration and Voting Survey: 2012" (2013), available at http://www.eac.gov/research/election_administration_and_voting_survey.aspx; data via The Pew Charitable Trusts, "Elections Performance Index," available at <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/elections-performance-index#indicatorProfile-PBC> (last accessed June 2015).

Participation in the Interstate Crosscheck system

The Interstate Crosscheck system is a database used by officials in 27 states⁶⁹ to identify voters potentially registered to vote in more than one state. States need a mechanism to maintain accurate voter rolls, but the states participating in the Interstate Crosscheck system risk purging legally registered voters—with a significant oversampling from communities of color—from the voting lists.

The system flagged roughly 7 million names of “potential double voters” prior to the 2014 election; however, since 2014, not a single person has been convicted of double voting pursuant to Crosscheck data.⁷⁰ This large number of false positives is due to Crosscheck not taking into account information that may disqualify a match: Social Security numbers should be disregarded if they do not match, “Jr.” and “Sr.” distinctions are often ignored, and many names on the list have mismatched middle names.⁷¹ This leads to what analyst Mark Swedlund describes as Crosscheck’s “inherent bias to over-selecting for potential scrutiny and purging voters from Asian, Hispanic, and Black ethnic groups.”⁷² Because nonwhite communities share surnames more commonly than white communities—in fact, 50 percent of people of color share a common surname, while only 30 percent of white people do⁷³—this leads to a greater number of flagged potential double voters, and thus a significant overrepresentation of minority voters on the Crosscheck list: While white voter names are underrepresented by 8 percent, African American voters are overrepresented by 45 percent; Hispanic voters are overrepresented by 24 percent; and Asian voters are overrepresented by 31 percent.⁷⁴

Although the 2014 Presidential Commission on Election Administration cited Crosscheck as one option available to states to “update and check their voter registration lists against each other,”⁷⁵ more recent investigations—including Al Jazeera America’s findings on the racially discriminatory effects of Crosscheck⁷⁶—have led to greater scrutiny of and concern over how these potential double registrant lists are generated. There is, however, an alternative for states looking for a mechanism to maintain accurate voting rolls, which already has been adopted by 11 states and the District of Columbia⁷⁷—ERIC, or the Electronic Registration Information Center, a program developed by IBM and the Pew Charitable Trusts. For additional information on the ERIC database, see the Policy recommendations section and the text box below.

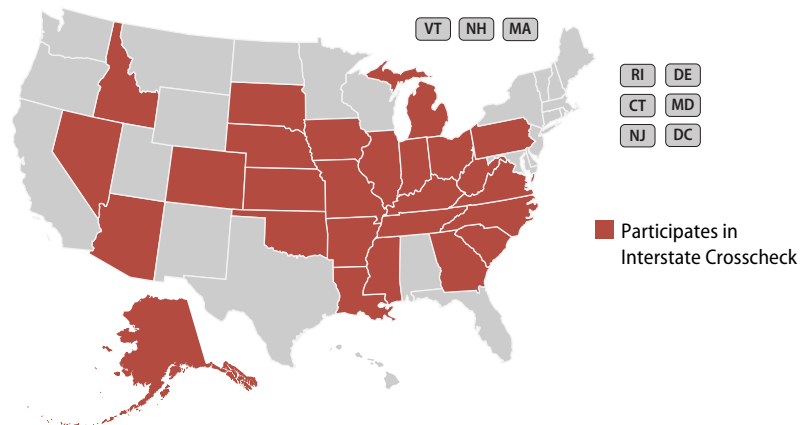
ERIC: The Electronic Registration Information Center

While the Interstate Crosscheck system returns a large number of false positive potential double voters, it is not the only voter matching system available. The ERIC system, a project of the Pew Charitable Trusts, also is available to state officials to update their voting rolls; rather than just matching the voter's name and date of birth, however, ERIC requires an exact match across several fields, such as driver's license number or Social Security number.⁷⁸ Furthermore, ERIC gives state election officials the opportunity to build the rolls as well as clean them, providing lists of potentially unregistered voters as an outreach opportunity and requiring participating states to contact those potential new registrants.⁷⁹

Twenty-seven states currently participate in the Interstate Crosscheck system. Florida, Oregon, and Washington recently left the Crosscheck consortium, with Oregon and Washington joining the ERIC system instead.⁸⁰ At that same time, despite ongoing controversy, North Carolina chose to join the Crosscheck program.⁸¹ Figure 8 details state participation in the Interstate Crosscheck system.

FIGURE 8

State participation in the Interstate Crosscheck system



Source: Greg Palast, "Jim Crow Returns: Millions of Minority Voters Threatened By Electoral Purge," Al Jazeera America, October 29, 2014, available at <http://projects.aljazeera.com/2014/double-voters/index.html#table>.

Motor Voter implementation performance

Full implementation of Motor Voter provisions creates an accessible, integrated means of registering citizens to vote when they interact with a state agency. Passed in 1993, the National Voter Registration Act's, or NVRA's, Motor Voter provisions require states to provide voter registration opportunities when citizens interact with a state's motor vehicle department or any state agency that offers public assistance.⁸² According to the 2014 Presidential Commission on Election Administration report, however, Motor Voter is "the election statute most often ignored."⁸³ A February 2015 Demos analysis shows that many states are "failing to fulfill the promise and the purpose of the NVRA"⁸⁴ by not taking advantage of opportunities to more fully integrate Motor Voter into citizen interactions with state agencies.

According to the same Demos analysis, increasing effective implementation of Motor Voter provisions in the states could result in more than 18 million new voter registration applications per every two-year electoral cycle.⁸⁵ Oregon's recently passed new Motor Voter law, H.B. 2177—while not separately scored in this report's rankings because it is the first of its kind in the nation—is an excellent example of states taking proactive steps to ensure full coordination between election officials and the state Department of Motor Vehicles, or DMV. This law, known as automatic registration, means every unregistered citizen who interacts with the state's Driver and Motor Vehicle Services Division will become registered to vote unless they opt out.⁸⁶ Put another way, the law "puts the burden of registration on the state instead of voters."⁸⁷ According to Oregon election officials, the new automatic registration law may eventually boost voter rolls by some 300,000 voters.⁸⁸ The Center for Popular Democracy finds that nationwide adoption of such automatic voter registration policies could increase the voting rolls by more than 55 million registrants and lead to more than 36 million additional votes per election.⁸⁹

Demos' analysis finds that Michigan has the highest levels of voter registration at the DMV, with more than one voter registration application for every two DMV driver's license transactions. The District of Columbia, Delaware, and Pennsylvania are close behind, each having more than four DMV voter registrations for every 10 DMV licenses issued. Meanwhile, Alabama and Mississippi are the lowest performing states in this measure, with extremely low ratios of DMV voter registrations to DMV licenses issued—raising concerns that these states may be out of compliance with the NVRA. These data come with some important caveats: Every state tracks this information in a slightly different way, and they seem to interpret what they are required to report differently as well. For example, licenses issued may or may not

include address changes, and the number of DMV voter registration applications may be the number of people who said they wanted to register rather than the number of people who actually submitted voter registration applications. This may make the numbers not precisely comparable from one state to another.⁹⁰ For that reason, Demos groups states into three performance groups rather than giving each state a precise score, a model this report followed in its scoring system.

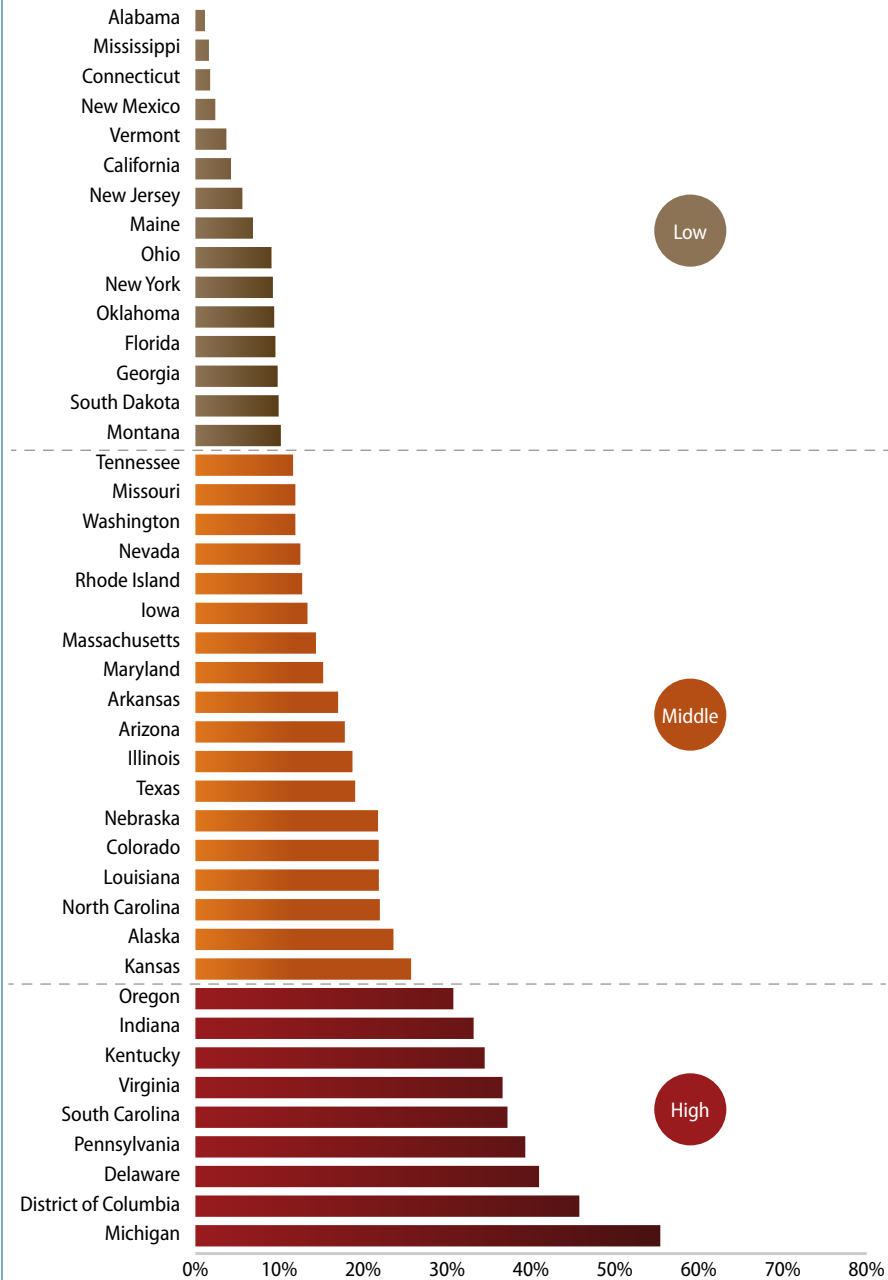
Figure 9 reproduces the ratios of DMV voter registration applications to total DMV license transactions from the Demos study to indicate how well states are performing in implementing Motor Voter provisions.

In examining accessibility of the ballot, one thing is clear: The extent to which citizens are afforded the right to cast their votes and have them counted, without undue barriers to the voting booth, varies wildly among the states. States that perform poorly in this area—and more states do here than in any other category—should take steps to modernize their voter registration practices and to expand voting options. For more information, see the Policy recommendations section.

FIGURE 9

Compliance with Motor Voter

Ratio of DMV voter registration applications to total DMV transactions, by state



Note: States omitted from the chart provided insufficient data to calculate the measure. This factor was excluded from those states' rankings.

Source: Stuart Naifeh, "Driving the Vote: Are States Complying With The Motor Voter Requirements of the National Voter Registration Act?", Demos, February 5, 2015, available at <http://www.demos.org/publication/driving-vote-are-states-complying-motor-voter-requirements-national-voter-registration-a>.

The strength of representation in state government

In a 2014 *New Yorker* article, Jelani Cobb wrote:

... nearly a century after the Nineteenth Amendment was ratified, and forty-nine years after the passage of the Voting Rights Act, it remains true that the groups that travelled the most difficult route to enfranchisement are the most underrepresented at every level of government.⁹¹

Even if eligible voters have the ability to cast a vote and have it counted, structural barriers may still limit the extent to which these voters can affect their government. This category—the strength of representation in state government—examines a number of factors that either cause or are caused by a lack of true representation in government. These factors include:

- Felony disenfranchisement laws
- Ballot initiative laws
- District distortion
- Female elected representation
- Communities of color elected representation

To understand structural barriers that affect whether state governments are truly representative—whether voters indeed have a voice in the process—it is crucial to examine both inputs, such as poorly drawn districts that may limit the meaningfulness of a vote, and outcomes, such as electoral outcomes for members of communities of color or whether citizens trust their government.

Based on this analysis, states have much room to improve to ensure that elected leaders reflect the demographics of their state as a whole. Oklahoma, which ranks first in female elected representation, ranks last in communities of color elected representation. There is no state in which women are overrepresented in elective office and only two—Vermont and Mississippi—in which people of color are represented in office at or above their share of the population at large.

Figure 10 indicates both the rank and grade for all states and the District of Columbia in the category of representation in state government.

FIGURE 10
Representation in state government: Rankings and grades

State	Rank	Grade	State	Rank	Grade
Alabama	43	D-	Montana	1	A
Alaska	14	C+	Nebraska	16	C
Arizona	7	B	Nevada	23	C
Arkansas	16	C	New Hampshire	5	B+
California	26	D+	New Jersey	32	D+
Colorado	8	B	New Mexico	9	B
Connecticut	44	D-	New York	49	F
Delaware	44	D-	North Carolina	41	D-
District of Columbia	3	A-	North Dakota	6	B+
Florida	39	D	Ohio	11	B-
Georgia	28	D+	Oklahoma	26	D+
Hawaii	37	D	Oregon	16	C
Idaho	36	D	Pennsylvania	22	C
Illinois	25	C-	Rhode Island	49	F
Indiana	30	D+	South Carolina	28	D+
Iowa	35	D	South Dakota	16	C
Kansas	47	F	Tennessee	44	D-
Kentucky	51	F	Texas	15	C+
Louisiana	37	D	Utah	42	D-
Maine	2	A	Vermont	4	A-
Maryland	31	D+	Virginia	48	F
Massachusetts	24	C-	Washington	13	C+
Michigan	16	C	West Virginia	40	D
Minnesota	32	D+	Wisconsin	32	D+
Mississippi	21	C	Wyoming	12	B-
Missouri	10	B-			

Source: Center for American Progress Action Fund analysis. For more details, see Methodology section of Lauren Harmon and others, "The Health of State Democracies" (Washington: Center for American Progress Action Fund, 2015).

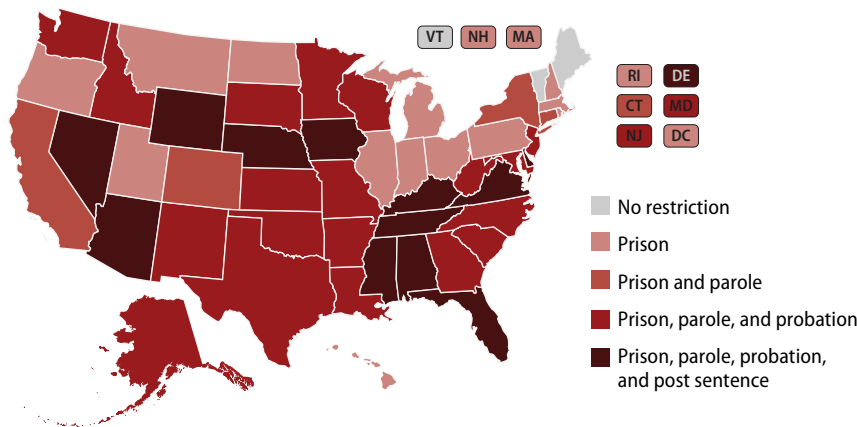
Felony disenfranchisement laws

Laws barring ex-offenders from voting significantly disadvantage communities of color and have the potential to skew electoral outcomes. Due to felony disenfranchisement laws, roughly 4.4 million Americans are currently denied the ability to exercise their fundamental right to vote.⁹² This is not only a civil rights issue, it also is an issue of electoral integrity. With fully 1 out of 13 African Americans currently unable to vote,⁹³ felony disenfranchisement has the potential to affect electoral results as voices from communities of color are disproportionately silenced.⁹⁴

At the federal level, Sen. Ben Cardin (D-MD) and Rep. John Conyers (D-MI) have introduced the Democracy Restoration Act to restore federal voting rights to citizens who have completed their prison sentence and—except for state restrictions barring ex-offenders from casting a ballot—are otherwise eligible to vote.⁹⁵ Until Congress moves on this issue, however, ex-offenders' voting rights depend on state laws and executive actions. There has been some positive movement in the states: One notable example is in Virginia, where Gov. Terry McAuliffe (D) restored the voting rights of 5,113 individuals—a record for a governor's first year in office.⁹⁶

FIGURE 11
Felony disenfranchisement

Summary of felony disenfranchisement restrictions by state



Source: The Sentencing Project, "Felony Disenfranchisement Restrictions by State, 2015," available at <http://www.sentencingproject.org/template/page.cfm?id=133> (last accessed June 2015).

This report, rather than examining the way in which restoration of rights is performed—automatically or via an administrative process, for instance—examines the categories of people whose voting rights can be restricted by states. Along with Maine and Vermont, which have no voting restriction on current inmates, 13 additional states and the District of Columbia end restrictions on felons after their prison sentence ends. Four states—California, Colorado, Connecticut, and New York—have restrictions while felons are in prison and on parole. Nineteen states extend those restrictions to ex-felons on probation. Finally, 12 states continue to disenfranchise some or all ex-felons after they have completed their full sentence, including parole and probation. Figure 11 details felony disenfranchisement laws by state.

Ballot initiative laws

Ballot initiatives offer voters the opportunity to place an issue on the ballot without passing through the gauntlet of the legislative process. As the Ballot Initiative Strategy Center wrote in its brief “The Impact of the Ballot Initiative Process in America,” voters in states that allow ballot initiatives “are motivated by the opportunity to decide for themselves how issues close to their lives are managed and resolved, instead of leaving it up to the promises of lawmakers.”⁹⁷ While each state’s process for placing an issue on the ballot is different, initiatives fall into two categories: direct and indirect. In states with a direct initiative process, once the initiative process is complete, the issue is placed directly on the ballot. Meanwhile, states with an indirect initiative process send the issue to the state’s legislature for action once the initiative process is complete, and if the legislature does not act, it then goes to the ballot.⁹⁸ Direct citizen access to the ballot was first approved in South Dakota in 1898⁹⁹ and has since spread to a total of 21 states and the District of Columbia, with 18 states offering the opportunity for citizens to place an amendment to the state’s constitution directly on the ballot.¹⁰⁰

It is beyond the scope of this report to provide a qualitative assessment of each state’s variations on direct or indirect ballot initiative laws. Rather, this analysis assesses states on the availability of the three types of ballot initiatives: statute initiatives, direct or indirect; constitutional initiatives; and statute referendums, which allow citizens to recall a law after it has been passed through the legislature. States that have these measures receive a higher score than states that do not. Twenty-four states do not have any such laws in place. Figure 12 breaks down the 50 states along each of the three citizen petition processes.

FIGURE 12

Ballot initiatives and referendums

States with citizen petition processes in place

State	Statute initiatives	Popular referendums	Constitutional amendment initiatives
Alabama	No	No	No
Alaska	Yes	Yes	No
Arizona	Yes	Yes	Yes
Arkansas	Yes	Yes	Yes
California	Yes	Yes	Yes
Colorado	Yes	Yes	Yes
Connecticut	No	No	No
Delaware	No	No	No
District of Columbia	Yes	Yes	N/A
Florida	No	No	Yes
Georgia	No	No	No
Hawaii	No	No	No
Idaho	Yes	Yes	No
Illinois	No	No	Yes
Indiana	No	No	No
Iowa	No	No	No
Kansas	No	No	No
Kentucky	No	No	No
Louisiana	No	No	No
Maine	Yes	Yes	No
Maryland	No	Yes	No
Massachusetts	Yes	Yes	Yes
Michigan	Yes	Yes	Yes
Minnesota	No	No	No
Mississippi	No	No	Yes
Missouri	Yes	Yes	Yes
Montana	Yes	Yes	Yes
Nebraska	Yes	Yes	Yes
Nevada	Yes	Yes	Yes
New Hampshire	No	No	No
New Jersey	No	No	No
New Mexico	No	Yes	No

State	Statute initiatives	Popular referendums	Constitutional amendment initiatives
New York	No	No	No
North Carolina	No	No	No
North Dakota	Yes	Yes	Yes
Ohio	Yes	Yes	Yes
Oklahoma	Yes	Yes	Yes
Oregon	Yes	Yes	Yes
Pennsylvania	No	No	No
Rhode Island	No	No	No
South Carolina	No	No	No
South Dakota	Yes	Yes	Yes
Tennessee	No	No	No
Texas	No	No	No
Utah	Yes	Yes	No
Vermont	No	No	No
Virginia	No	No	No
Washington	Yes	Yes	No
West Virginia	No	No	No
Wisconsin	No	No	No
Wyoming	Yes	Yes	No

Source: National Conference of State Legislatures, "Initiative and Referendum States," available at <http://www.ncsl.org/research/elections-and-campaigns/chart-of-the-initiative-states.aspx> (last accessed June 2015).

District distortion

Gerrymandering, or the process of manipulating district lines to favor one political party over the other, not only has the ability to determine winners and losers for political contests but also has broader effects on the health of states' democracy. By creating more ideologically uniform and demographically similar districts—which may be easier for one party to hold across election cycles—gerrymandering creates an echo chamber in which candidates and elected officials are responsible only to people of like demography and ideology rather than to a broad base of voters.¹⁰¹ This phenomenon leads to the polarization and entrenchment of each party's political views.¹⁰² Both a lack of voter agency and fewer truly competitive contests can lead to voter apathy.¹⁰³

No single method of mapmaking alone eliminates the possibility of gerrymandered districts drawn to suit the party in power. Therefore, this report does not evaluate states based on the input of how redistricting is determined, but it instead focuses on electoral outcomes. In other words, it considers the degree to which the partisan breakdown of districts is distorted when compared with overall voter preferences. To do this, using data from the most recent elections of both the U.S. House of Representatives and states' House of Representatives, this report analyzes the difference between the number of seats that parties should hold in federal and state government based on their overall raw vote shares and the number of seats each party actually holds. This percentage difference can serve as a numerical representation of how gerrymandered a state's districts currently are.

Calculating district distortion

Step one: Calculate the raw vote totals, or the total number of voters in a state that voted for one party, added up across different district elections.

Step two: Multiply the total number of seats in the chamber by the raw vote share, rounding to the nearest full seat, to arrive at the estimate of the appropriate balance based on all voters.

Step three: Find the difference between that number of seats for each party and the number of seats that party actually holds.

Step four: Determine the ratio between that difference and the total number of seats in the chamber. That ratio, as a percentage, is the district distortion.

Consider the following example of Pennsylvania's district distortion in the U.S. House of Representatives.

Step one: The raw vote share favored Republicans over Democrats by 55.5 percent to 44.5 percent in 2014.

Step two: The raw vote share indicates that the proportionate allocation of the 18 congressional seats in the state should have been 10 to 8.

Step three: In reality, in 2014, Republicans captured 13 seats, while Democrats captured 5. This is a 3-seat difference.

Step four: A ratio of a 3-seat difference out of 18 total seats is 16.7 percent; this is the seat distortion favoring Republicans in Pennsylvania.

District distortion is not a perfect measure. By relying primarily on vote totals from the 2014 midterm elections, it tends to underrepresent the voting populations less likely to vote in midterms. Moreover, one should not expect vote distribution and seat distribution by party to overlap perfectly. From equal population requirements to issues of contiguity and compactness, there are a number of factors that determine appropriate district make-up.¹⁰⁴ Indeed, nothing in this factor should be construed as supporting the elimination or restriction of minority communities' ability to elect a candidate of choice—but nor should minority communities be packed into a small number of districts, as the Supreme Court reiterated with its March 2015 decision in *Alabama Legislative Black Caucus v. Alabama*.¹⁰⁵ However, the measure does quantify some of the lack of representation by elected officials in some states at both the state and federal levels. Given this, states have been placed into three tiers of performance: Tier 1 indicating great or good, Tier 2 indicating fair, and Tier 3 indicating poor. A deeper explanation of this measure appears in the Methodology section, and the data used to calculate it are in the Appendix.

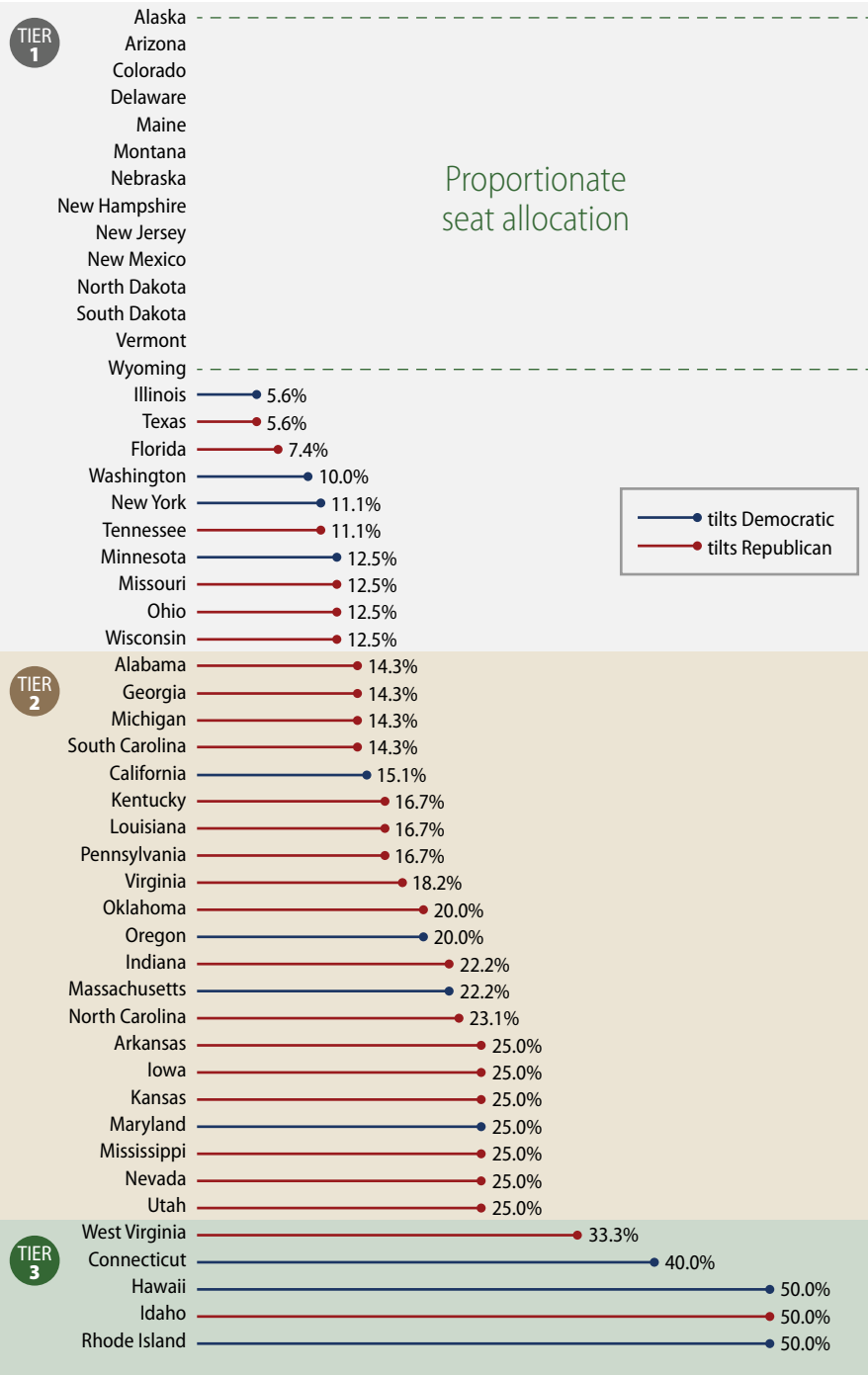
Congressional district distortion

States manage congressional redistricting through a variety of processes, but it remains an inherently political exercise. Of 13 states empowering allegedly independent redistricting commissions to draw the lines, 12 were involved in lawsuits relating to the make-up of districts drawn after the 2010 Census. Another 26 noncommission states were involved in similar lawsuits.¹⁰⁶

Fourteen states have proportionate seat allocation based on the vote totals in the 2014 election, and 24 states are in Tier 1. Hawaii, Rhode Island, and Idaho have the worst rates of seat distortion, at 50 percent, and Connecticut and West Virginia round out the states in Tier 3. Figure 13 details the seat distortion by state for the U.S. House of Representatives.

FIGURE 13
Congressional district distortion

The difference between the number of seats that parties should have based on vote totals and the number of seats it actually holds



Note: The District of Columbia is excluded from this measure.

Source: Center for American Progress Action Fund analysis based on 2014 election data. For details, see Methodology section and Appendix.

State legislative district distortion

As with congressional redistricting, states manage the districting of the seats in their state legislature through a variety of processes. A majority of states do not redistrict through any sort of commission and, even in the 21 states that do, those commissions are often merely advisory or backup plans in case the legislature fail to produce a map.¹⁰⁷ Thus, in many cases, state legislative redistricting involves state legislators drawing the lines of their own districts—choosing their voters rather than being chosen by the voters. In some states, this has resulted in legislative districts that are even more skewed than those at the congressional level. In Ohio, for example, Democrats won 50.31 percent of the raw vote cast for the state House of Representatives in 2012,¹⁰⁸ but Democratic members held only 39 of 99 seats¹⁰⁹—just 39 percent—after that election.

On this measure, Texas, South Carolina, and Mississippi are the highest performers, each having the difference of less than 1 percent between the number of seats parties should have based on the vote totals and the number of seats parties actually have. Hawaii, New York, and Utah are the lowest performers. Figure 14 details the seat distortion by state for each state's lower chamber.

Female elected representation

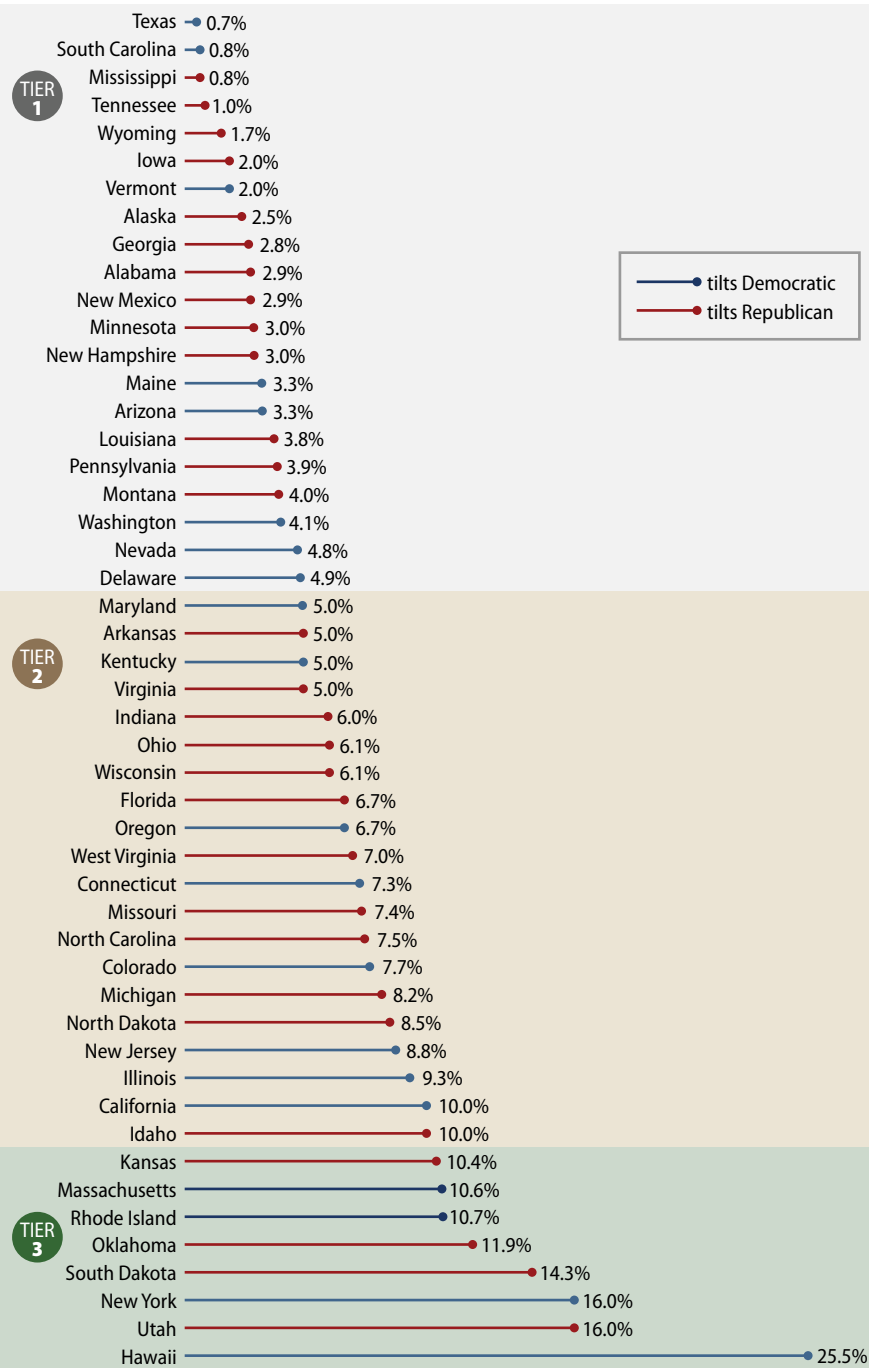
With the passage of the 19th Amendment in 1920, women in America gained the right to vote. Yet while women make up just more than half of the U.S. population, women make up nowhere near half of the elected officials at any level of American democracy. In fact, the United States is losing ground in this area. In 1998, the United States ranked 59th in the world for women elected to the national legislature; in 2014, it fell to 98th.¹¹⁰ A survey commissioned by the Women Donors Network, or WDN, found that the public perceives several barriers to electing more women to public office, including a dearth of established political networks, political parties that do not prioritize recruiting women candidates, and a lack of access to the donor networks that often fund political campaigns.¹¹¹

This report draws on research from Who Leads Us,¹¹² a project of the New Organizing Institute Reflective Democracy Campaign, to calculate the ratio of a state's female elected officials to its female population. States where female elected representation more closely matches the population as a whole receive a higher score. Louisiana, Kentucky, and Alabama have the worst representation; 13 percent, 17 percent, and 19 percent of their elected officials are women, respectively.

FIGURE 14

State legislative district distortion

The difference between the number of seats that parties should have based on vote totals and the number of seats it actually holds (lower chambers only)



Note: The District of Columbia is excluded from this measure. Nebraska's state legislature is nonpartisan.

Source: Center for American Progress Action Fund analysis based on 2014 election data. For details, see Methodology section and Appendix.

Oklahoma, Montana, and Missouri are the three highest performers, coming the closest to having 50 percent female elected officials. No state in the country has women fully represented in state government, which would require 50 percent of elected officials to reflect the 50 percent of the population that is female. Figure 15 indicates female elected representation by state and the District of Columbia.

FIGURE 15
Female elected representation

Percentage of elected officials, percentage of the overall state population, and representation ratio where 1 equals appropriate representation

State	Percentage of elected officials who are women	Percentage of population who are women	Ratio of women in elected office to female population
Alabama	19%	52%	0.37
Alaska	27%	47%	0.57
Arizona	37%	51%	0.73
Arkansas	30%	51%	0.59
California	29%	51%	0.57
Colorado	37%	50%	0.74
Connecticut	30%	52%	0.58
Delaware	23%	52%	0.44
District of Columbia	34%	53%	0.64
Florida	30%	51%	0.59
Georgia	30%	51%	0.59
Hawaii	32%	49%	0.65
Idaho	31%	50%	0.62
Illinois	28%	51%	0.55
Indiana	32%	51%	0.63
Iowa	32%	50%	0.64
Kansas	38%	50%	0.76
Kentucky	17%	51%	0.33
Louisiana	13%	51%	0.25
Maine	35%	51%	0.69
Maryland	26%	51%	0.51
Massachusetts	26%	52%	0.50
Michigan	28%	51%	0.55
Minnesota	22%	50%	0.44

State	Percentage of elected officials who are women	Percentage of population who are women	Ratio of women in elected office to female population
Mississippi	35%	51%	0.69
Missouri	39%	51%	0.76
Montana	40%	50%	0.80
Nebraska	36%	50%	0.72
Nevada	35%	50%	0.70
New Hampshire	36%	50%	0.72
New Jersey	28%	52%	0.54
New Mexico	33%	51%	0.65
New York	20%	51%	0.39
North Carolina	27%	51%	0.53
North Dakota	31%	49%	0.63
Ohio	27%	51%	0.53
Oklahoma	42%	50%	0.84
Oregon	29%	50%	0.58
Pennsylvania	31%	51%	0.61
Rhode Island	27%	52%	0.52
South Carolina	24%	52%	0.46
South Dakota	34%	50%	0.68
Tennessee	22%	51%	0.43
Texas	33%	50%	0.66
Utah	25%	50%	0.50
Vermont	37%	51%	0.73
Virginia	29%	51%	0.57
Washington	34%	50%	0.68
West Virginia	30%	51%	0.59
Wisconsin	25%	51%	0.49
Wyoming	33%	49%	0.67

Source: Who Leads Us?, "Do America's Elected Officials Reflect Our Population?", available at <http://wholeads.us/> (last accessed June 2015).

Communities of color elected representation

People of color are expected to comprise the majority of the American population by 2044,¹¹³ yet members of communities of color continue to be underrepresented in elective office. According to the same Who Leads Us study, people of color made up only 11 percent of America's elected officials in 2014.¹¹⁴ Structural barriers play a major role in this continued underrepresentation, particularly access to and support from donor networks. As a 2015 Demos report found, more than 90 percent of political donations come from neighborhoods that are predominantly white.¹¹⁵ Of the top 42 contributors to Super PACs in 2014, just 7 were women and none were people of color.¹¹⁶ The racial imbalance of states' elected officials must be corrected and made more reflective of states as a whole to ensure a strong, healthy democracy.

Again drawing on data from Who Leads Us, this report gives higher scores to states in which the ratio of their elected officials from communities of color most closely corresponds to the state's overall minority population. Oklahoma was the best in female representation but the worst performer for communities of color. While 32 percent of the state's population is people of color, just 7 percent of its elected officials are. Mississippi has proportional representation: 44 percent of its population is people of color, and 44 percent of its elected officials are. Vermont, at the top of the list, has a small community of color that comprises just 6 percent of the population, and its elected officials of color actually surpass that, at 7 percent. Figure 16 indicates communities of color elected representation by state.

FIGURE 16

Communities of color elected representation

Percentage of elected officials, percentage of the overall state population, and representation ratio where 1 equals appropriate representation

State	Percentage of all elected officials who are people of color	Percentage of total population who are people of color	Ratio of people of color in elected office to population of color
Alabama	23%	34%	0.68
Alaska	15%	37%	0.41
Arizona	25%	44%	0.57
Arkansas	14%	26%	0.54
California	23%	61%	0.38
Colorado	15%	31%	0.48
Connecticut	18%	31%	0.58
Delaware	11%	36%	0.31
District of Columbia	54%	65%	0.83
Florida	14%	43%	0.33
Georgia	21%	45%	0.47
Hawaii	66%	77%	0.86
Idaho	8%	17%	0.47
Illinois	11%	37%	0.30
Indiana	8%	20%	0.40
Iowa	6%	12%	0.50
Kansas	8%	23%	0.35
Kentucky	5%	14%	0.36
Louisiana	20%	41%	0.49
Maine	5%	6%	0.83
Maryland	27%	46%	0.59
Massachusetts	14%	25%	0.56
Michigan	11%	24%	0.46
Minnesota	7%	18%	0.39
Mississippi	42%	42%	1.00
Missouri	8%	20%	0.40
Montana	11%	14%	0.79
Nebraska	7%	19%	0.37
Nevada	17%	48%	0.35
New Hampshire	7%	8%	0.88

State	Percentage of all elected officials who are people of color	Percentage of total population who are people of color	Ratio of people of color in elected office to population of color
New Jersey	22%	43%	0.51
New Mexico	48%	61%	0.79
New York	12%	43%	0.28
North Carolina	19%	35%	0.54
North Dakota	9%	13%	0.69
Ohio	9%	20%	0.45
Oklahoma	7%	32%	0.22
Oregon	8%	22%	0.36
Pennsylvania	11%	22%	0.50
Rhode Island	11%	25%	0.44
South Carolina	25%	36%	0.69
South Dakota	8%	17%	0.47
Tennessee	8%	25%	0.32
Texas	30%	56%	0.54
Utah	6%	20%	0.30
Vermont	7%	6%	1.17
Virginia	18%	37%	0.49
Washington	9%	29%	0.31
West Virginia	7%	8%	0.88
Wisconsin	10%	18%	0.56
Wyoming	9%	16%	0.56

Source: Who Leads Us?, "Do America's Elected Officials Reflect Our Population?," available at <http://wholeads.us/> (last accessed March 2015).

Until structural barriers to participation and representation are removed, there will never truly be a government of, by, and for the people—at least, not all the people. States that perform poorly in this category should expand opportunities for citizens to make their voices meaningfully heard within political and governmental systems, such as ending felony disenfranchisement laws and creating opportunities for direct democracy via ballot measures, while seeking out ways to address the extent to which elective government actually represents the governed. For more information, see the Policy recommendations section.

Influence in the political system

The 2014 election cycle saw headlines such as, “How 2014 is shaping up to be the darkest money election to date,”¹¹⁷ “Dark money helped win the Senate,”¹¹⁸ and “It’s time to name the 2014 midterms the Dark Money election.”¹¹⁹ Even with accessible voting laws and relatively representative state governments, those who are in power must be held accountable to the will of the citizens—particularly when two-thirds of Americans believe the system is rigged to give the wealthy more influence in the political system than everyone else, according to a June 2015 *New York Times* poll.¹²⁰

In this spirit, it is critical that states employ a robust set of measures to ensure that state officials cannot turn a government of, by, and for the people into a government of, by, and for their own interests and those of their financial backers. Undergirding all of these issues, however, is the U.S. Supreme Court decision in *Citizens United v. Federal Election Commission*.¹²¹ This decision, which has fundamentally altered the campaign finance landscape in this country, necessarily limits any state’s ability to truly reform its influence politics. Thus, metrics in this category are inherently a function of mitigation, assessing the extent to which states have attempted—in spite of *Citizens United*—to manage and reform the role of influence in the political system. A Unity Statement of Principles, endorsed by more than 150 organizations, lays out a series of foundational principles that underpin the factors selected for this category: “Everyone participates, everyone’s voice is heard,” “everyone knows,” “everyone plays by common-sense rules,” and “everyone is held accountable.”¹²²

Citizens United resolutions in the states

There are two ways in which the *Citizens United* ruling may be overturned: a reversal of the Supreme Court’s decision or an amendment to the U.S. Constitution. To date, 16 states have passed resolutions in favor of overturning *Citizens United*, either via the state legislature or by ballot measure.¹²³ While not binding, these resolutions are a critical measure of state support: Should Congress pass a constitutional amendment to overturn *Citizens United*, three-fourths of state legislatures would be required to ratify that amendment.¹²⁴

FIGURE 17
Influence in the political system: Rankings and grades

State	Rank	Grade	State	Rank	Grade
Alabama	46	F	Montana	12	B-
Alaska	11	B-	Nebraska	51	F
Arizona	4	B	Nevada	39	D-
Arkansas	23	C-	New Hampshire	24	D+
California	30	D	New Jersey	14	C+
Colorado	9	B-	New Mexico	29	D+
Connecticut	1	A-	New York	21	C
Delaware	17	C	North Carolina	19	C
District of Columbia	33	D	North Dakota	48	F
Florida	2	B+	Ohio	45	F
Georgia	24	D+	Oklahoma	28	D+
Hawaii	4	B	Oregon	36	D-
Idaho	40	D-	Pennsylvania	43	F
Illinois	24	D+	Rhode Island	4	B
Indiana	50	F	South Carolina	43	F
Iowa	40	D-	South Dakota	34	D
Kansas	19	C	Tennessee	31	D
Kentucky	24	D+	Texas	36	D-
Louisiana	31	D	Utah	22	C-
Maine	4	B	Vermont	18	C
Maryland	8	B-	Virginia	38	D-
Massachusetts	14	C+	Washington	9	B-
Michigan	16	C+	West Virginia	2	B+
Minnesota	13	B-	Wisconsin	47	F
Mississippi	34	D	Wyoming	40	D-
Missouri	48	F			

Source: Center for American Progress Action Fund analysis. For more details, see Methodology section of Lauren Harmon and others, "The Health of State Democracies" (Washington: Center for American Progress Action Fund, 2015).

Figure 17 ranks states in the category of influence in the political system, based on the following six factors:

- Campaign contribution limits for individual donors
- Availability of public campaign financing
- Campaign disclosure laws
- Revolving door bans
- Open legislative data
- Judicial recusal laws

Based on this analysis, the strength of laws related to influence in the political system are a particular weak spot for states. Just one state received an A- grade in this category, fewer than any other category. Four states got an A or A- in representation, and five got an A or A- in accessibility.

Figure 17 indicates both the rank and grade for all states and the District of Columbia in the category of influence in the political system.

Campaign contribution limits for individual donors

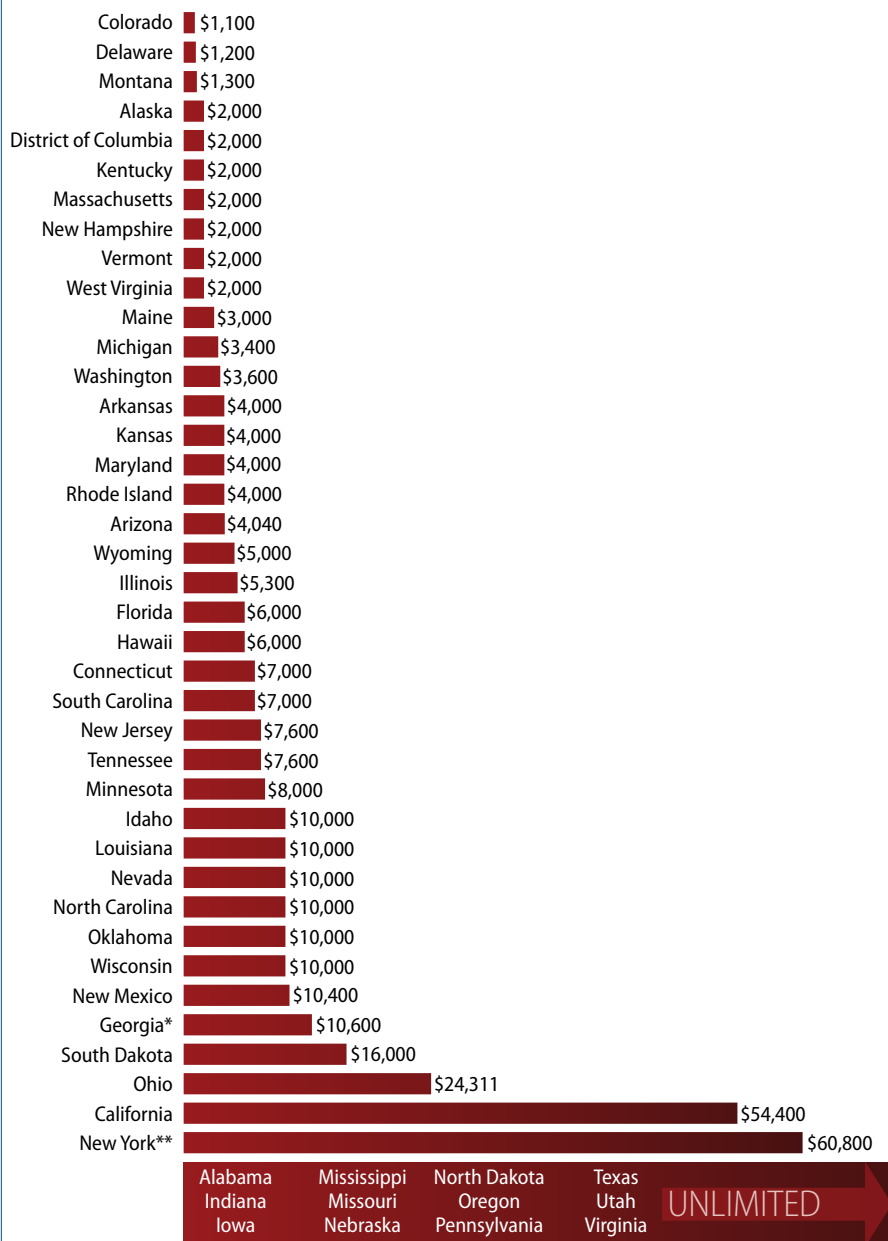
As a joint report from Demos and U.S. Public Interest Research Group, or PIRG, Education Fund relays, “A campaign finance system that empowers average citizens ... can promote political equality, enable candidates and elected officials to spend more time reaching out to a broad range of constituents, and better align policy outcomes with public preferences.”¹²⁵ Individual campaign contribution limits represent a critical step toward such a campaign finance system, giving states the opportunity to promote public confidence in government by ensuring that no individual donor is able to unduly influence the political system. This not only has symbolic importance; it also has a key impact on electoral outcomes. According to a 2009 Brennan Center report, low contribution limits allow challengers to compete with incumbent state legislators.¹²⁶

Federally, advocates have organized around the Democracy for All Amendment, which sets overall limits on “the raising and spending of money by candidates and others to influence elections.”¹²⁷ The work to pass this amendment is ongoing. In the meantime, state campaign contribution caps remain a patchwork, with state contribution limits varying widely by level of election and source of contribution. In this report, campaign contribution limits are assessed by looking only at a state’s limits for individual contributions to candidates at the top of the ticket.

FIGURE 18

Campaign contribution limits for individual donors

For statewide or gubernatorial candidates, or mayoral in the case of DC



*Georgia figures are for regular elections. Runoff elections in Georgia allow for an additional \$7,400 in contributions per candidate.

**New York has different contribution limits for different parties, with this table displaying the higher limit for Democratic candidates. For Republican candidates, the limit is \$54,775.

Note: Contribution limits were adjusted to arrive at a standardized figure for a four-year election cycle. For states with annual campaign contribution limits, we multiplied that dollar amount by four; for states with campaign contribution limits per election, we multiplied that dollar amount by two to account for primary and general elections. For more details, see Methodology section of Lauren Harman and others "The Health of State Democracies" (Washington: Center for American Progress, 2015).

Sources: National Conference of State Legislatures, "State Limits on Contributions to Candidates," 2013, available at http://www.ncsl.org/Portals/1/documents/legismgt/Limits_to_Candidates_2012-2014.pdf (last accessed June 2015); District of Columbia Office of Campaign Finance, "Campaign Finance Guide 2015," available at http://ocf.dc.gov/sites/default/files/dc/sites/ocf/publication/attachments/DCOCF_CampaignFinanceGuide.pdf (last accessed June 2015); Associated Press, "Arizona Gov. Doug Ducey signs election-reform bills," April 14, 2015, available at and <http://ktar.com/22/1825237/Arizona-Gov-Doug-Ducey-signs-election-reform-bills>.

In some state laws, gubernatorial candidates are specified; in others, there is a generic statewide candidate limit. In all cases, this report assesses the top in-state campaign contribution limit, comparing it with the current federal individual campaign contribution permissible to a candidate's campaign.

As Figure 18 illustrates, 19 states and the District of Columbia have individual campaign contribution limits at or under the federal limit; 19 states allow larger individual contributions; and 12 states have no limits on individual contributions to top-of-the-ticket candidate campaigns.

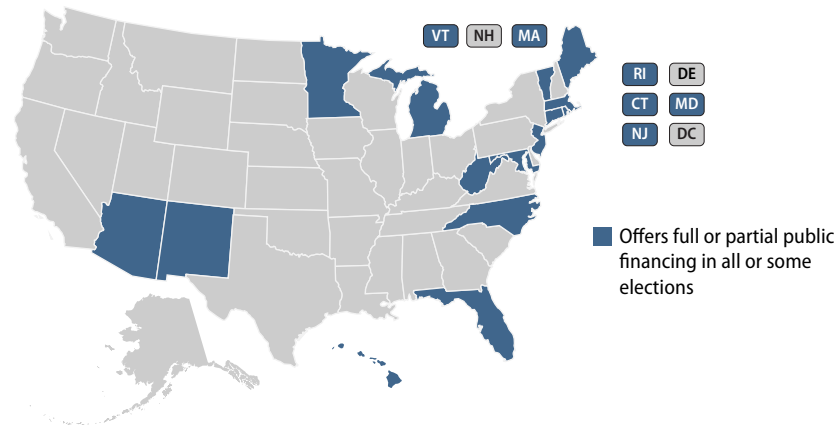
Availability of public campaign financing

Providing options for candidates beyond traditional, major donor-funded campaigns is a crucial measure of a state's willingness to prioritize healthy democratic institutions. Lack of access to donor networks is a major barrier to political office for women and people of color. According to a recent Demos analysis, the richest 10 percent of Americans is made of a group that is 90 percent white. Furthermore, in the 2012 election cycle, more than 90 percent of federal contributions higher than \$200 came from majority white neighborhoods.¹²⁸ A study from Political Parity, a project of Hunt Alternatives, found that female state legislators in the study considered congressional or gubernatorial campaigns—and the fundraising success they entail—to be “beyond their reach.”¹²⁹ As one Demos report put it, “this big money system filters out qualified, credible candidates who lack access to large donors.”¹³⁰

Federally, organizing around the Government By the People Act has brought attention to and fostered awareness of the need for a small-dollar matching program of public campaign financing, incentivizing both candidates and small-dollar donors to participate in a system that “puts the U.S. Congress back in the hands of ordinary Americans.”¹³¹ On a parallel but equally important track, state advocates have enacted a variety of laws that provide for several different forms of public campaign financing. The differences among state programs may be understood within three categories: 14 states that fund candidates directly, 10 states that provide grants to political parties, and 7 states that incentivize private political donations via a tax break for political contributions.¹³² Given the variation in both the size and scope of a state's public financing systems, as well as the various contribution limits by which publicly funded and traditionally funded candidates must abide, it is beyond the scope of this report to provide a qualitative assessment of each state's financing system. Rather, this report gauges whether states have taken steps to mitigate the influence of large donors by offering some form of public financing.

FIGURE 19

Availability of public campaign financing



Source: National Conference of State Legislatures, "Public Financing of Campaigns: An Overview," available at <http://www.ncsl.org/research/elections-and-campaigns/public-financing-of-campaigns-overview.aspx> (last accessed March 2015); United for the People, "State and Local Support," available at <http://united4thepeople.org/state-and-local-support/> (last accessed March 2015).

Out of all 50 states and the District of Columbia, 35 and the District of Columbia offer no public financing at all for campaigns. Figure 19 illustrates the availability of any public campaign financing by state.

Campaign disclosure laws

Campaign spending disclosure laws exist to reduce the possibility of corruption in government. While all states require some type of disclosure from candidates and political committees, the extent of this disclosure varies. Given the U.S. Supreme Court's *Citizens United* decision, which allows outside groups to spend unlimited amounts of money on campaigns as long as they do not coordinate with candidates,¹³³ state disclosure laws for these independent spenders are a crucial firewall to ensure voters have the opportunity to know who seeks to influence their elections and public officials.

This report draws on the National Institute of Money in State Politics' 2014 scorecard on essential disclosure requirements for independent spending¹³⁴ to ask whether states apply disclosure laws to any and all groups engaged in political spending and advocacy. For more information on measures included in the scorecard, as well as recommendations for states, see the Policy recommendations section.

The National Institute of Money in State Politics finds that there has been a 20 percent improvement in state scores from 2013 to 2014, with four states—Arizona, Kansas, Montana, and Nevada—showing the greatest increase.¹³⁵ Figure 20 indicates states' scores for campaign disclosure.

FIGURE 20
Campaign disclosure laws

National Institute on Money In State Politics 2014 Scorecard on essential disclosure requirements for independent spending

State	Scorecard overall score, 2014, out of a maximum of 120	State	Scorecard overall score, 2014, out of a maximum of 120
Alabama	0	Montana	110
Alaska	120	Nebraska	55
Arizona	110	Nevada	80
Arkansas	40	New Hampshire	85
California	110	New Jersey	40
Colorado	120	New Mexico	0
Connecticut	120	New York	70
Delaware	120	North Carolina	110
Florida	100	North Dakota	70
Georgia	25	Ohio	100
Hawaii	120	Oklahoma	100
Idaho	120	Oregon	110
Illinois	120	Pennsylvania	25
Indiana	0	Rhode Island	120
Iowa	50	South Carolina	0
Kansas	110	South Dakota	50
Kentucky	60	Tennessee	35
Louisiana	60	Texas	120
Maine	120	Utah	120
Maryland	110	Vermont	40
Massachusetts	110	Virginia	60
Michigan	60	Washington	110
Minnesota	60	West Virginia	100
Mississippi	60	Wisconsin	35
Missouri	60	Wyoming	50

Note: The District of Columbia is excluded from this measure.

Source: Peter Quist, "Scorecard: Essential Disclosure Requirements for Independent Spending, 2014," National Institute on Money in State Politics, December 13, 2014, available at http://www.followthemoney.org/research/institute-reports/scorecard-essential-disclosure-requirements-for-independent-spending-2014/#item_0.

Revolving door bans

Revolving door bans ensure that lawmakers-turned-lobbyists cannot use their time in public office to build up a client list on the taxpayers' dime. The majority of states require some length of time—a so-called cooling off period—before former legislators can work as lobbyists among their former colleagues.¹³⁶ The length and strictness of these requirements, however, varies significantly from state to state. According to a report from the State Integrity Investigation, the policies in several states are “riddled with loopholes, narrowly written or loosely enforced,”¹³⁷ failing to prevent many conflicts of interest.

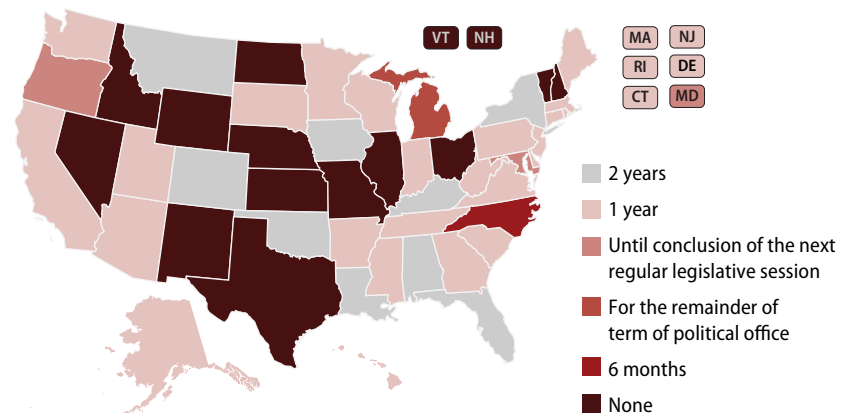
This report assesses states' revolving door bans, based purely on the length of the cooling off period. It is beyond the scope of this report to assess the ways in which these laws are designed to be more or less comprehensive or enforceable. However, states that have taken clear steps toward codifying a cooling off period receive a positive score for fostering a climate where citizens can better trust that their elected representatives are indeed working for their constituents and not their own future bottom lines.

Nine states require at least a two-year cooling off period, while 13 states require no time between when a public official leaves office and can begin lobbying. Twenty-four states require a one-year hiatus. Figure 21 indicates each state's revolving door bans.

FIGURE 21

Revolving door bans

Summary of cooling off periods before former public officials can work as lobbyists



Open legislative data

Government data are a public good. Ensuring that such data are open and accessible is a key method to improve government accountability, promote efficiency, and drive innovation and economic growth. At the federal level, the Obama administration has made open government a priority, developing a list of open data policies and launching “Project Open Data,” a “collection of code, tools, and case studies” to help agencies unlock the potential of government data.¹³⁸ At the state level, results have been scattered.

In 2010, after a meeting of 30 open government advocates, the Sunlight Foundation published “Ten Principles for Opening Up Government Information,” as a road map “to evaluate the extent to which government data is open and accessible to the public.”¹³⁹ These principles cover common-sense goals such as making sure all data are complete, timely, permanent, and without licensing restrictions, and more technical ones, such as establishing ease of electronic access and the ability for machines to read and parse the data.¹⁴⁰ In short, the data should be searchable, sortable, downloadable, and machine readable. In 2013, the Sunlight Foundation adapted these principles into six criteria to evaluate state legislative bodies called the Open Legislative Data Report Card. This report uses that scorecard to assess state government data transparency.

The Sunlight Foundation analysis, which is continually updated as states implement new systems, has given 11 states an A grade, 10 states a B grade, 18 states a C grade, 8 states a D grade, and 4 states an F grade.¹⁴¹ Figure 22 reproduces the grades for each state and the District of Columbia as the Sunlight Foundation calculates them at the time of this report’s publication.

FIGURE 22
Transparency in legislative data

State grades according to the Sunlight Foundation's Open Legislative Data Report Card

State	Grade	State	Grade
Alabama	F	Montana	C
Alaska	B	Nebraska	F
Arizona	C	Nevada	B
Arkansas	A	New Hampshire	A
California	D	New Jersey	B
Colorado	C	New Mexico	C
Connecticut	A	New York	A
Delaware	C	North Carolina	A
District of Columbia	D	North Dakota	C
Florida	C	Ohio	B
Georgia	A	Oklahoma	D
Hawaii	C	Oregon	C
Idaho	C	Pennsylvania	A
Illinois	C	Rhode Island	D
Indiana	D	South Carolina	C
Iowa	C	South Dakota	B
Kansas	A	Tennessee	C
Kentucky	F	Texas	A
Louisiana	D	Utah	B
Maine	D	Vermont	B
Maryland	B	Virginia	A
Massachusetts	F	Washington	A
Michigan	C	West Virginia	B
Minnesota	C	Wisconsin	D
Mississippi	B	Wyoming	C
Missouri	C		

Source: Sunlight Foundation, "Open States: Open Legislative Data Report Card," available at <http://openstates.org/reportcard/> (last accessed June 2015).

Judicial recusal laws

The United States is one of just a few countries where judges are elected,¹⁴² and the amount of money required to win a judicial election has sharply increased over the past few decades.¹⁴³ A 2013 report from three fair courts organizations notes, “as the cost of judicial campaigns has soared, the boundaries that keep money and political pressure from interfering with the rule of law have become increasingly blurred.”¹⁴⁴ For instance, a previous report from the Center for American Progress identified “a troubling correlation between North Carolina Supreme Court rulings and the success rate of firms that gave big donations to judicial candidates”—raising major concerns about corporate influence in both judicial races and judicial decision making.¹⁴⁵

State judges are selected in a variety of ways, which often vary not just between states but also among levels of courts within a particular state: partisan elections, nonpartisan elections, appointment and retention, and lifetime appointment. Rather than assess judicial election rules at every level of state court across each state, this report will examine the safeguards put in place to ensure that, whatever the method of selection, judges remain beholden only to the law and not to their campaign donors. This is accomplished by judicial recusal, when a judge refrains from participating in some official action—such as a legal decision—due to a real or perceived conflict of interest. In judicial recusal law, states have the opportunity to ensure as fair and impartial a judiciary as possible. Some states have succeeded in this, while others have recusal laws that are lacking or provide clear opportunities for financial influence to creep into court activities.

Our analysis draws from a previous CAP report¹⁴⁶ to assess the strength of judicial recusal laws by state. Utah and California earn the highest scores, while Idaho, Indiana, and Maryland pick up the rear. Only the 39 states with elected judges were scored. The scores assigned to each state in the report are detailed in Figure 23 and comprise evaluations in eight categories, including whether campaign cash is listed as a basis for recusal, whether the judge alone makes an initial decision to recuse, whether the state allows preemptory recusal, and more. For more details on this assessment, see the Policy recommendations section.

FIGURE 23

Center for American Progress scorecard on judicial recusal laws

State	Scorecard overall score, 2014, out of a maximum of 100	State	Scorecard overall score, 2014, out of a maximum of 100
Alabama	50	Montana	50
Alaska	55	Nebraska	35
Arizona	60	Nevada	45
Arkansas	40	New Mexico	50
California	75	New York	60
Colorado	45	North Carolina	35
Florida	50	North Dakota	45
Georgia	70	Ohio	35
Idaho	15	Oklahoma	45
Illinois	40	Oregon	45
Indiana	30	Pennsylvania	40
Iowa	40	South Dakota	40
Kansas	50	Tennessee	50
Kentucky	45	Texas	35
Louisiana	40	Utah	75
Maryland	30	Washington	65
Michigan	70	West Virginia	50
Minnesota	60	Wisconsin	35
Mississippi	50	Wyoming	40
Missouri	45		

Note: The table above only includes the 39 states that elect their judges. For the remaining states and the District of Columbia, this factor was excluded from their rankings

Source: Billy Corriher, "State Judicial Ethics Rules Fail to Address Flood of Campaign Cash from Lawyers and Litigants," May 7, 2014, <https://www.americanprogress.org/issues/civil-liberties/report/2014/05/07/89068/state-judicial-ethics-rules-fail-to-address-flood-of-campaign-cash-from-lawyers-and-litigants-2/>.

While *Citizens United* and its related court decisions have fundamentally altered this country's campaign finance landscape, states must continue to take steps to mitigate and expose big money in politics and its impact on how government functions. From creating attractive public campaign financing options to strengthening judicial recusal laws, states must take steps to ensure that everyone has the opportunity to participate; everyone's voice is heard; everyone knows who is attempting to influence campaigns and elected officials; everyone plays by common-sense rules; and everyone is held accountable.¹⁴⁷ For more information, see the Policy recommendations section.

Policy recommendations

Modernize voter registration

In 2013, more than 160 members of Congress joined in support of the Voter Empowerment Act of 2013.¹⁴⁸ The stated goals of this act are: ensuring access to the ballot, preserving integrity in voting systems, and demanding accountability in election administration.¹⁴⁹ According to the Brennan Center for Justice, passage of the act would “modernize voter registration by facilitating secure ways to take advantage of existing technology,” potentially including automatic, online, or same-day voter registration.¹⁵⁰

Barring federal momentum on this issue, it is up to the states to act to ensure an accessible, accountable electoral system. State policy recommendations in this area are as follows.

- **Provide preregistration to 16- and 17-year-olds.** Young, potential voters are notoriously hard to reach. Preregistration takes advantage of the intersection of high school civics courses and interactions with states’ Motor Vehicles Departments when applying for a driver’s license to not only reach them but to register them as well. For states serious about increasing youth civic participation, preregistration is a crucial step.
- **Provide online voter registration.** From reading up on candidate positions to tweeting about breaking news, civic engagement is rapidly moving to an online environment. To meet this demand, it is crucial that states make the voter registration process as accessible as possible by providing an online registration option. Online voter registration provides three key advantages: voter convenience, particularly for military and overseas voters; more accurate voter rolls and a reduction in registration errors; and a significant cost savings over paper registrations.¹⁵¹ States that do not currently offer online registration should create this option, with an eye to eliminating barriers that voters with disabilities may face when attempting to register online.¹⁵²

- **Provide same-day voter registration.** Same-day registration creates a portable option for voters who have moved but not reregistered, and states with same-day registration available “consistently lead the nation in voter participation.”¹⁵³ Additionally, same-day registration leads to a reduction in provisional ballot usage—and its racially discriminatory effects—as voters have the opportunity to update their registration status rather than vote provisionally.¹⁵⁴ States that do not currently offer same-day registration or other policies to achieve portable registration should create this option.

- **End participation in the Crosscheck program.** As detailed in this report, the Crosscheck system is not only riddled with errors, but the lists provided also have an outsized effect on communities of color. Given that the Presidential Commission on Election Administration’s 2014 report recommended that states participate in an interstate compact to share voter registration information,¹⁵⁵ states seeking an avenue to maintain accurate voter rolls are advised to join the ERIC system. Not only does the ERIC system provide the ability to clean a state’s voter rolls, but it also gives state election officials the opportunity to build the rolls as well, providing lists of potentially unregistered voters as an outreach opportunity.¹⁵⁶

- **Better integrate voter registration opportunities into transactions at state Motor Vehicle Departments and other public agencies.** Some states have fully and comprehensively integrated Motor Voter provisions into the operation of their Motor Vehicle Departments; others have merely checked a box. Demos provides five key ways through which states can ensure full compliance and integration:¹⁵⁷
 - Seamless integration, with no duplicate information required, of voter registration into driver’s license application or renewal process
 - Electronic transfer, including signature, of voter registration information from the Department of Motor Vehicles to the elections agency
 - Automatic voting address updates when voters changes their addresses with the Department of Motor Vehicles, unless the voter specifically indicates this is not a change of voting address
 - A proactively offered opportunity to register to vote when an individual who is not already registered changes their address with the Department of Motor Vehicles
 - Assistance with the process of registering to vote available at the Department of Motor Vehicles

In addition, states should seek opportunities to similarly integrate voter registration into citizen interactions with other public agencies. This will ensure that individuals who cannot or do not drive also have the opportunity to conveniently register to vote, along with the same change-of-address provisions above.

Eliminate barriers to participation and representation

Even states with modernized, accessible voter registration procedures still have structural barriers in place that limit citizens' ability to fully participate in the process. From voting laws that disadvantage communities of color to campaign finance laws that favor the wealthy and well connected over average Americans, states must ensure a fair playing field in order for all voices in the political process to be heard. State policy recommendations in this area are as follows.

- **Expand in-person early voting, including evening and weekend hours.**

Nationwide, there has been a concerted attack on in-person early voting hours—with a particular focus on evening and weekend hours, the hours most likely to be used by people of color¹⁵⁸ and by voters who do not have the luxury of leaving work to vote during daytime hours.¹⁵⁹ To eliminate this clear barrier to participation for already disadvantaged voters, states should reverse cuts to early voting, expand early voting days and hours whenever possible, and ensure ample evening and weekend voting hours.

- **Provide no-fault absentee voting.** The ability to vote from home should not be open only to those who submit a qualified excuse to the satisfaction of the state. Rather, states should ensure that anyone who wishes to cast an absentee ballot has the opportunity to request, receive, and cast a ballot by mail.

- **Eliminate voter ID laws.** Whatever form voter ID laws take—photo or non-photo, strict or nonstrict—these restrictions lead to decreased voter turnout and disproportionately affect poor and minority voters. States should end voter ID laws to ensure that every eligible voter is able to cast a ballot.

- **Re-enfranchise ex-offenders after they have served their prison sentences.**

According to The Sentencing Project, “denying the right to vote of an entire class of citizens is deeply problematic to a democratic society and counterproductive to effective reentry.”¹⁶⁰ States should provide either automatic restoration of voting rights or a transparent, affordable, well-publicized process to restore ex-offender voting rights after prison sentences have been served.

- **Allow citizen ballot initiatives.** Ballot initiatives, conceived as an opportunity for regular citizens to “shape public policy and regain power from the corporate interests,”¹⁶¹ are a critical piece in ensuring full voter participation—not just in electing representatives but also in exercising direct democracy. States that lack initiative provisions should create the opportunity for citizens to place issues on the ballot via initiative.
- **Create fair district maps.** This report’s analysis has shown how skewed district maps at both the congressional and legislative levels can be when compared with raw vote shares for those same offices. It is beyond the scope of this report to recommend specific processes for this map-making, but with the 2020 Census approaching and redistricting plans already taking shape, lawmakers must determine how to create maps that reflect and amplify rather than limit and dilute the voices of the voters.
- **Create sustainable public campaign finance options.** Public financing can both help end the underrepresentation of women and people of color in elected office and ensure that average citizens, not just the wealthy and well connected, have a voice in the political process. States should implement public campaign financing options, understanding that the true gauge of success is the extent to which the system is effective enough to be attractive for candidate participation. Thus, these campaign financing options must be built in such a way that candidates accepting public funding are not disadvantaged against traditionally funded candidates. Furthermore, such systems should seek to incentivize small-dollar donor participation to ensure that candidates seek a broad base of support, rather than relying on a handful of wealthy and well-connected individuals.

Expose and limit influence in the political system

As Demos writes in its report “Money Chase,” “The core consequence of our big money campaign finance system is a set of skewed policy outcomes that serve the donor class at the expense of average voters.”¹⁶² Implementing public campaign finance options, as discussed above, is one key policy solution; however, this is not enough. From judicial elections calling court decisions into question to lawmakers-turned-lobbyists who build up a client list before even leaving office, it is critical that citizens know who is attempting to influence the political process and that they have the opportunity to hold their lawmakers accountable. State policy recommendations in this area are as follows.

- **Set appropriate campaign contribution limits.** While this report touches only on individual donors, states must assess the whole range of campaign contributors and targets, setting appropriate limits for each. The cost of a campaign varies wildly among states and, within states, among levels of election; it is beyond the scope of this report to prescribe a specific, blanket dollar figure. The limits should, however, be low enough to encourage broad participation, to ensure that nobody can exercise undue influence on politicians and the political system, and—where available—to encourage candidate participation in public campaign financing programs.
- **Strengthen disclosure laws.** State disclosure laws are a critical firewall to ensure that voters have the opportunity to know who may be influencing their elections and their public officials. State independent spending disclosure laws should be strengthened to include the following, taken from the National Institute on Money in State Politics’ “Essential Disclosure Requirements for Independent Spending” scorecard:¹⁶³
 - The existence of an independent expenditure
 - Any electioneering communications
 - The spender’s target
 - The spender’s position (for/against the target)
 - Contributors to independent spenders
- **Require a broad, two-year cooling off period for former elected officials.** States should require former elected officials to take a two-year cooling off period before lobbying. These requirements should be written broadly to encompass all statewide and legislative elected officials and the full scope of advocacy activities.
- **Provide complete, accessible information to “empower the public’s use of government-held data.”** The Sunlight Foundation has identified “Ten Principles for Opening Up Government Information.”¹⁶⁴ States should take these principles into account to ensure that members of the public are able to access information about how their government operates. These are as follows.
 - **Completeness:** Datasets should be as complete as possible, including as much raw data and metadata as are available
 - **Primacy:** Datasets should be primary sources and original information
 - **Timeliness:** Data should be released “as quickly as it is gathered and collected,”¹⁶⁵ whenever possible

- **Ease of physical and electronic access:** Barriers to physical and electronic access should be limited, including limiting procedural hoops to jump through
 - **Machine readability:** Information should be provided in formats that are widely used and lend themselves to processing
 - **Nondiscrimination:** Registration or membership requirements should not impose barriers to data accessibility
 - **Use of commonly owned standards:** Ensure that data are available in formats that everyone can access and access freely
 - **Licensing:** Provide data without restrictions on use
 - **Permanence:** “Information released by the government online should be sticky: It should be available online in archives in perpetuity.”¹⁶⁶
 - **Usage costs:** Governments should be aware that “imposing fees for access skews the pool of who is willing (or able) to access information”¹⁶⁷
- **Strengthen judicial recusal laws.** Judicial recusal laws are crucial to maintaining an independent judiciary. States should strengthen these laws to address the following eight categories, taken from a previous CAP report:¹⁶⁸
 - Whether campaign cash is listed as a basis for recusal
 - Whether independent spending is listed as a basis for recusal
 - Whether the judge alone makes the initial decision to recuse
 - Whether the judge is required to respond on the record
 - Whether the judge is required to disclose campaign contributions on the record
 - Whether the judge must recuse whenever his or her “impartiality might reasonably be questioned”¹⁶⁹
 - Whether parties may agree to waive recusal
 - Whether the state allows preemptory recusal

These policy recommendations are meant to serve as a general outline of recommended reforms for states seeking to improve their category grades and overall ranking. In addition to these specific, factor-based policy recommendations, states should look to the findings of the Presidential Commission on Election Administration, whose 2014 report “The American Voter Experience” lays out additional, complementary recommended reforms in the areas of voter registration, access to the polls, polling place management, and voting technology.¹⁷⁰

The authors of this report applaud the many ongoing efforts in the states to make progress on these issues legislatively, through administrative or executive actions, via ballot measures, and in the courts. From Maine's ballot initiative effort to pass campaign finance reform that will be first-of-its-kind since *Citizens United*, to Nevada's work to push back against attempts to pass voter ID laws, to Virginia's easing the process for restoration of voting rights for ex-offenders, the wide variety of work being done by state advocates represents critical progress toward making the democracy system more accessible, more representative, and more free from influence politics.

Conclusion

All states have relative strengths and weaknesses across the areas of accessibility of the ballot, representation in state government, and influence in the political system. Every state, however, has room to improve in building a strong, healthy state democracy.

As elected officials, policymakers, and other thought leaders consider ways to strengthen state performance across these metrics, it is essential to remember that the diverse suite of issues that comprise democracy are inextricably interconnected, and that solutions—no matter how incremental—are available to those who seek to improve the health of their state’s democracy.

Methodology

Selecting the factors

The factors included in this report were selected based on their ability to evaluate the various components that make up a healthy democracy at the state level. They fit into three categories: accessibility of the ballot, representation in state government, and influence in the political system. As there was some overlap as to which category a factor could be placed in, each was placed in the category thought to be the most applicable.

We have highlighted some of the prior contributions that influenced our work. This is by no means an attempt to canvas every data source available or to include an exhaustive list of factors that affect the health of state democracies. Rather, we strive to provide a broad cross section of issues, organize them in a coherent manner, and evaluate how states perform. We focused on factors where consistent data can be gathered across all 50 states and the District of Columbia.

This report credits all laws that have been passed, not just those that have been implemented. It uses the most up-to-date public sources to evaluate states as accurately as possible. It is always possible that certain data points may need to be updated as more information becomes available. The authors welcome submissions to update a state's performance in any factor included in this report.

Sources and calculations

Some of these factors are drawn from the work of other organizations. In particular we owe a debt of gratitude to the prior work of Demos, the New Organizing Institute, the National Institute on Money in State Politics, The Sentencing Project, and the Sunlight Foundation for providing actionable research that we could incorporate into our analysis. We also drew in part from the Pew Charitable Trusts' Elections Performance Index when developing this report's section on accessibil-

ity of the ballot. And the National Conference of State Legislatures' legal research proved an essential resource in evaluating many different state laws and regulations.

Other factors were developed based on our analysis of publicly available government and election data. A brief explanation of these factors is as follows.

District distortion

This report contains two factors that apply the district distortion methodology: congressional district distortion and state legislative district distortion. Congressional district distortion is based on the 2014 election of the U.S. House of Representatives. State legislative district distortion is based on the most recent election—2014 in all but three cases—of the lower chamber of state legislative bodies. We did not evaluate the upper chamber—the state Senates—because, like at the federal level, they often have staggered elections that do not allow for a single snapshot of voters from the whole state.

To calculate this measure, we analyzed the difference between the number of seats parties should have based on raw vote shares and the number of seats they actually hold. Raw vote totals are the total number of voters in a state that voted for one party, added up across different district elections. We calculated the number of seats a party should have by multiplying the total number of seats in the chamber by the vote share and rounding to the nearest full seat. We then calculated the ratio of the difference between the number of seats a party should hold and the number of seats that party actually holds, and the total number of seats in the chamber. Because the total number of seats in state Houses is higher than states' congressional delegations, the percentages of seat distortion in that factor tend to be smaller.

Additionally, for state legislative district distortion, we used the raw vote shares, and for congressional district distortion, we used the two-party raw vote shares. The two-party raw vote share is the Democratic and Republican percentages of all voters casting ballots for one of the two parties. We chose to use the two-party raw vote share only at the congressional level because third party candidates are significantly less likely to hold seats in the U.S. House of Representatives; none of the current members are from a third party. Using two-party raw vote shares for state legislative districts would be more likely to overlook representation by third party officials in state Houses.

In reality, vote distribution and seat distribution by party should not be expected to overlap perfectly. Given that, we placed the states into three tiers of performance: great or good, fair, and poor. States that had only a small level of distortion when compared with all 50 states were scored the same as those with appropriate proportionality. Figure 24 details the cut-off points for each tier in both congressional district distortion and state legislative district distortion. It should be noted that these vary in each factor given the widely varying number of seats at the federal and state levels and how those numbers affect the percentages calculated.

Elected representation of women and communities of color

This report relies on the research of “Who Leads Us,” a project of the Reflective Democracy Campaign by the New Organizing Institute, to calculate the representativeness of female and minority officeholders with respect to these groups’ overall population. Using a combination of existing research, email and phone surveys, and voter file matching, Who Leads Us developed a dataset accurate to 95 percent of the race and gender composition of American elected officials at all levels of government. Visit wholeads.us for more details.

Who Leads Us provides percentage measurements of elected officials and the population overall in four categories: white men, white women, men of color, and women of color. Our measure of elected representation of women added the percentages of white women and women of color together and then divided that figure by what percentage the two groups are of the total population to determine a ratio of representativeness. Our measure of elected representation of communities of color added the percentages of men of color and women of color together and then divided that figure by what percentage the two groups are of the total population, to determine a ratio of representativeness.

Campaign contribution limits

The National Conference of State Legislatures provides the laws that govern campaign contribution limits. These laws generally limit contributions along three different measures of time: per year, per election—differentiating between primary and general elections—and per election cycle. To assure that different state contribution limits conform to the same standardized time measure, we applied the following formula:

- For states with annual campaign contribution limits, we multiplied that dollar amount by four—the most common term length for the office of governor.¹⁷¹
- For states with campaign contribution limits per election, we multiplied that dollar amount by two to account for primary and general elections.
- We held constant states with campaign contribution limits per election cycle.

Ranking the states

To rank the states, we devised a system of awarding points based on how each state fared according to each of the 22 factors in the report. We did this because the scales on which to evaluate states vary depending on the factor: Some factors rank states on either a “yes” or “no” scale, while others can assign rankings from 1 to 51—including the District of Columbia. For each factor, therefore, the best performing state(s) receive 0 points and worse performing states receive more points, with the worst performing state(s) receiving 10 points.

States were then ranked within each category by calculating the average point values for the number of factors for which they were evaluated. In several instances, data were not available for certain states, such as in the case of Motor Voter implementation performance, provisional balloting rate, or judicial recusal laws. In these cases, that factor was omitted from the state average, so as to neither help nor hurt the state’s ranking.

Overall state rankings were determined by averaging the average point values for each of the three categories. This means that each factor was weighted equally with respect to how much it counted in its category, and that no single category counted more than the other. This also means that for the categories containing more factors, such as accessibility of the ballot, each factor has less overall influence on the overall rankings. People can and should contend that some factors are more important than others, but we felt this method was the clearest and fairest way.

Figure 24 details the process for awarding points for each of the 22 factors. It is separated into the three categories of accessibility of the ballot, representation in state government, and influence in the political process.

FIGURE 24
Methodology for awarding points

Accessibility of the ballot factors		
Policy and description		Points
		100
1. Availability of pre-registration: Laws that allow 16- or 17-year-olds to pre-register to vote	State has passed a law allowing 16- or 17-year-olds to preregister to vote	0
	State has not passed a pre-registration law or has set the threshold for pre-registration after age 17	10
2. Availability of online registration: Law that allows for full online registration	State has passed a law allowing for full online registration	0
	State has not passed an online registration law, or law only allows for limited online registration	10
3. Portable registration: Laws that allow voters to cast a ballot following a change of address with relative ease	State law voter registration system follows the voter so that a voter can easily vote after a change of address or State law allows voters to change their addresses at the point of voting, such as at the ballot box	0
	State law voter registration system does not follow the voter or state law does not allow voters to change their addresses at the point of voting	10
4. Availability of in-person early voting: Laws that allow for registered voters to cast a ballot at a polling place before Election Day	State has a vote-by-mail system	0
	State has passed a law allowing for in-person early voting, including requiring polling locations to provide opportunities to vote on the weekend	0
	State has passed a law allowing for in-person early voting but does not require polling locations to provide opportunities to vote on the weekend	5
	State has not passed a law allowing for in-person early voting	10
5. Availability of no-fault absentee voting: Law that allows voters to request an absentee ballot without having to provide a qualified excuse	State has passed a law allowing for no-fault absentee voting or has a vote-by-mail system	0
	State has not passed a no-fault absentee voting law	10
6. Voting wait times: Where a state ranks nationally based on the average of wait times for voters during the 2008 and 2012 elections Hereafter referred to as the decile system	For state ranked 1	0
	Among states ranked 2–5	1
	Among states ranked 6–10	2
	Among states ranked 11–15	3
	Among states ranked 16–20	4
	Among states ranked 21–25	5
	Among states ranked 26–30	6
	Among states ranked 31–35	7
	Among states ranked 36–40	8
	Among states ranked 41–45	9
	Among states ranked 46–51	10

7. Voter identification laws: Laws that require registered voters to show a form of identification prior to casting a ballot	State does not require a document to vote	0
	State law requires poll workers to request identification, but a photo ID is not required	2.5
	State law requires poll workers to request a photo ID	5
	State law requires voters to show any identification—photo or nonphoto—to poll workers prior to casting a ballot	10
8. Provisional ballots cast: Where a state ranks nationally in terms of the percentage of provisional ballots cast out of an average of total ballots cast during the 2008 and 2012 elections	State is exempted from issuing provisional ballots under the Help America Vote Act of 2002 because it offers Election Day registration	0
	For states with data, decile system of 0–10 points	10
9. Participation in the Interstate Crosscheck system: If a state participates in the Interstate Crosscheck database	State does not participate in the Interstate Crosscheck system	0
	State does participate in the Interstate Crosscheck system	10
10. Motor Voter implementation performance: Where a state ranks nationally based on the ratio of Department of Motor Vehicles, or DMV, voter registration applications to DMV transactions	State is in “high performing” tier	0
	State is in “middle performing” tier	5
	State is in “low performing” tier	10

Representation in state government factors

Policy and description		Points
		60
11. Felon disenfranchisement: Laws that restore voting rights to ex-felons	State law has no restrictions on voting or restrictions in prison only	0
	State law has restrictions on voting during parole or parole and probation	5
	State law has restrictions on voting during parole, parole and probation, or parole, probation, and post sentence.	10
12. Ballot initiatives and referendums: Laws that allows citizens-through a petition process-to introduce a law or Constitutional amendment to the voters for approval or rejection, or to demand a popular vote on a new law passed by the legislature	State has passed laws allowing for statute initiatives, popular referendums, and Constitutional amendment initiatives	0
	State has not passed a law allowing for statute initiatives	3.33
	State has not passed a law allowing for popular referendums	3.33
	State has not passed a law allowing for Constitutional amendment initiatives	3.33
13. Congressional district distortion: Where a state ranks nationally based on the difference between the number of seats parties should have based on vote totals in the 2014 U.S. House of Representatives election, and the number of seats it actually holds	Tier 1: Distorted by 12.5 percent or less	0
	Tier 2: Distorted by more than 12.5 percent to 25 percent	5
	Tier 3: Distorted by more than 25 percent	10
14. State legislative district distortion: Where a state ranks nationally based on the difference between the number of seats parties should have based on vote totals in the most recent state House of Representatives election, and the number of seats the parties actually hold.	Tier 1: Distorted by less than 5 percent	0
	Tier 2: Distorted by 5 percent to less than 10 percent	5
	Tier 3: Distorted by 10 percent or more	10
15. Female elected representation: Where a state ranks nationally based on the ratio of the percentage of elected officials that is women and the percentage of the population that is women	Ratio of representation is equal to or greater than 1	0
	For states in which ratio of representation is less than 1, decile system of 0–10 points	10

16. Communities of color elected representation:

Where a state ranks nationally based on the ratio of the percentage of elected officials of color and the percentage of the population that is of color

Ratio of representation is equal to or greater than 1

0

For states in which ratio of representation is less than 1, decile system of 0–10 points

10

Influence in the political system

Policy and description

Points

60

17. Campaign contribution limits: Laws governing how much a statewide and/or a gubernatorial candidate can raise for his/her campaign(s)

State law limits campaign contributions to less than the current presidential campaign limit, \$5,400, in one election cycle

0

State law limits campaign contributions to between \$5,401 and \$9,999 in one election cycle

2.5

State law limits campaign contributions to between \$10,000 and \$24,999, in one election cycle

5

State law limits campaign contributions but allows more than \$25,000 in one election cycle

7.5

State law allows for unlimited campaign contributions

10

18. Availability of public campaign financing: Laws that offer a public financing program for elections

State law offers at least some form of partial or full public financing program in all or some elections

0

State has no laws offering public financing program

10

19. Campaign disclosure laws: Where a state ranks nationally based on National Institute of Money in State Politics, “Essential Disclosure Requirements for Independent Spending”

Decile system of 0–10 points

10

20. Revolving door bans: Laws that require a cooling off period before former public officials can work as lobbyists

State law requires a cooling-off period of at least two years

0

State law requires a cooling-off period of one to two years, or at least until the end of the next regular LEGISLATIVE session

5

State law requires a cooling-off period of less than one year

10

21. Transparency in legislative data: Where a state grades nationally based on Sunlight Foundation’s Open Legislative Data Report Card

State graded with an “A”

0

State graded with an “B”

2.5

State graded with an “C”

5

State graded with an “D”

7.5

State graded with an “F”

10

22. Judicial recusal laws: Where a state ranks nationally based on CAP study, “State Judicial Ethics Rules Fail to Address Flood of Campaign Cash from Lawyers and Litigants”

Decile system of 0–10 points

10

Total possible points overall

220

Best possible average state score

0

Worst possible average state score

10

Source: Center for American Progress Action Fund analysis. For more details, see Methodology section of Lauren Harmon and others, “The Health of State Democracies” (Washington: Center for American Progress Action Fund, 2015).

Grading the states

Grades for each category are based on the average point values that states received in a category. Figure 25 details the point-value ranges that correspond with each grade.

FIGURE 25
Methodology for
assessing state grades

Average point value	Grade
0 - 1.49	A
1.5 - 1.99	A-
2.0 - 2.49	B+
2.5 - 2.99	B
3.0 - 3.49	B-
3.5 - 3.99	C+
4.0 - 4.49	C
4.5 - 4.99	C-
5.0 - 5.49	D+
5.5 - 5.99	D
6.0 - 6.49	D-
6.5 - 10	F

Source: Center for American Progress Action Fund analysis. For more details, see Methodology section of Lauren Harmon and others, "The Health of State Democracies" (Washington: Center for American Progress Action Fund, 2015).

Appendix

APPENDIX 1

Congressional district distortion

State	Democratic representatives in the U.S. House of Representatives	Republican representatives in the U.S. House of Representatives	Two-party Democratic vote: Share of all votes cast in state in 2014 U.S. House of Representatives elections	Two-party Republican vote: Share of all votes cast in the state in 2014 U.S. House of Representatives elections	Proportional number of Democratic and Republican seats based on two-party vote share D / R	Seat distortion: The difference between the number of seats parties should have based on vote totals and the number of seats it actually holds
Alabama	1	6	32.0%	68.0%	2 / 5	14.3%
Alaska	0	1	44.6%	55.4%	0 / 1	0.0%
Arizona	4	5	41.4%	58.6%	4 / 5	0.0%
Arkansas	0	4	33.3%	66.7%	1 / 3	25.0%
California	39	14	58.0%	42.0%	31 / 22	15.1%
Colorado	3	4	48.4%	51.6%	3 / 4	0.0%
Connecticut	5	0	60.5%	39.5%	3 / 2	40.0%
Delaware	1	0	61.7%	38.3%	1 / 0	0.0%
Florida	10	17	44.0%	56.0%	12 / 15	7.4%
Georgia	4	10	41.5%	58.5%	6 / 8	14.3%
Hawaii	2	0	66.2%	33.8%	1 / 1	50.0%
Idaho	0	2	36.8%	63.2%	1 / 1	50.0%
Illinois	10	8	51.4%	48.6%	9 / 9	5.6%
Indiana	2	7	38.9%	61.1%	4 / 5	22.2%
Iowa	1	3	46.1%	53.9%	2 / 2	25.0%
Kansas	0	4	36.6%	63.4%	1 / 3	25.0%
Kentucky	1	5	36.4%	63.6%	2 / 4	16.7%
Louisiana	1	5	32.4%	67.6%	2 / 4	16.7%
Maine	1	1	57.2%	42.8%	1 / 1	0.0%
Maryland	7	1	58.1%	41.9%	5 / 3	25.0%
Massachusetts	9	0	82.7%	17.3%	7 / 2	22.2%
Michigan	5	9	50.9%	49.1%	7 / 7	14.3%

State	Democratic representatives in the U.S. House of Representatives	Republican representatives in the U.S. House of Representatives	Two-party Democratic vote: Share of all votes cast in state in 2014 U.S. House of Representatives elections	Two-party Republican vote: Share of all votes cast in the state in 2014 U.S. House of Representatives elections	Proportional number of Democratic and Republican seats based on two-party vote share D / R	Seat distortion: The difference between the number of seats parties should have based on vote totals and the number of seats it actually holds
Minnesota	5	3	51.9%	48.1%	4 / 4	12.5%
Mississippi	1	3	41.1%	58.9%	2 / 2	25.0%
Missouri	2	6	38.0%	62.0%	3 / 5	12.5%
Montana	0	1	42.2%	57.8%	0 / 1	0.0%
Nebraska	1	2	35.2%	64.8%	1 / 2	0.0%
Nevada	1	3	40.8%	59.2%	2 / 2	25.0%
New Hampshire	1	1	51.6%	48.4%	1 / 1	0.0%
New Jersey	6	6	51.0%	49.0%	6 / 6	0.0%
New Mexico	2	1	53.0%	47.0%	2 / 1	0.0%
New York	18	9	56.4%	43.6%	15 / 12	11.1%
North Carolina	3	10	44.2%	55.8%	6 / 7	23.1%
North Dakota	0	1	40.9%	59.1%	0 / 1	0.0%
Ohio	4	12	40.0%	60.0%	6 / 10	12.5%
Oklahoma	0	5	27.6%	72.4%	1 / 4	20.0%
Oregon	4	1	57.2%	42.8%	3 / 2	20.0%
Pennsylvania	5	13	44.5%	55.5%	8 / 10	16.7%
Rhode Island	2	0	61.1%	38.9%	1 / 1	50.0%
South Carolina	1	6	34.2%	65.8%	2 / 5	14.3%
South Dakota	0	1	33.5%	66.5%	0 / 1	0.0%
Tennessee	2	7	34.6%	65.4%	3 / 6	11.1%
Texas	11	25	35.4%	64.6%	13 / 23	5.6%
Utah	0	4	34.3%	65.7%	1 / 3	25.0%
Vermont	1	0	67.5%	32.5%	1 / 0	0.0%
Virginia	3	8	42.5%	57.5%	5 / 6	18.2%
Washington	6	4	51.6%	48.4%	5 / 5	10.0%
West Virginia	0	3	42.9%	57.1%	1 / 2	33.3%
Wisconsin	3	5	47.2%	52.8%	4 / 4	12.5%
Wyoming	0	1	25.1%	74.9%	0 / 1	0.0%

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APPENDIX 2

State legislative district distortion

State	Democratic representatives in state House of Representatives	Republican representatives in state House of Representatives	Percentage of total votes for Democrats in most recent state House of Representatives elections	Percentage of total votes for Republicans in most recent state House of Representatives elections	Proportional number of Democratic and Republican seats based on two-party vote share D / R	Seat distortion, or the absolute difference between the number of seats parties should have based on vote totals, and the number of seats it actually holds
Alabama	33	72	34.1%	64.4%	36 / 68	2.9%
Alaska	16	23	43.5%	50.7%	17 / 20	2.5%
Arizona	24	36	37.2%	61.9%	22 / 37	3.3%
Arkansas	36	64	40.6%	57.1%	41 / 57	5.0%
California	52	28	54.5%	44.3%	44 / 35	10.0%
Colorado	34	31	43.9%	54.1%	29 / 35	7.7%
Connecticut	86	63	49.7%	49.3%	75 / 73	7.3%
Delaware	25	16	55.3%	43.5%	23 / 18	4.9%
Florida	38	80	38.2%	58.1%	46 / 69	6.7%
Georgia	59	120	35.6%	63.8%	64 / 114	2.8%
Hawaii	44	7	61.3%	35.2%	31 / 18	25.5%
Idaho	14	56	29.7%	68.5%	21 / 48	10.0%
Illinois	71	47	50.4%	49.5%	60 / 58	9.3%
Indiana	30	70	35.8%	62.9%	36 / 63	6.0%
Iowa	43	56	45.3%	52.5%	45 / 52	2.0%
Kansas	28	97	32.6%	66.7%	41 / 83	10.4%
Kentucky	54	46	48.8%	50.7%	49 / 51	5.0%
Louisiana	45	58	46.5%	53.5%	49 / 55	3.8%
Maine	78	68	48.3%	47.9%	73 / 70	3.3%
Maryland	91	50	59.7%	40.3%	84 / 57	5.0%
Massachusetts	123	35	66.0%	31.2%	106 / 49	10.6%
Michigan	47	63	50.9%	48.5%	56 / 53	8.2%
Minnesota	62	72	49.3%	50.1%	66 / 67	3.0%
Mississippi	56	66	46.6%	53.4%	57 / 65	0.8%
Missouri	44	117	34.3%	64.5%	56 / 104	7.4%
Montana	41	59	45.1%	53.6%	45 / 54	4.0%
Nebraska	N/A	N/A	N/A	N/A	N/A	N/A
Nevada	17	25	35.0%	58.6%	15 / 25	4.8%

State	Democratic representatives in state House of Representatives	Republican representatives in state House of Representatives	Percentage of total votes for Democrats in most recent state House of Representatives elections	Percentage of total votes for Republicans in most recent state House of Representatives elections	Proportional number of Democratic seats based on two-party vote	Seat distortion, or the absolute difference between the number of seats parties should have based on vote totals, and the number of seats it actually holds
New Hampshire	160	238	43.0%	56.2%	172 / 224	3.0%
New Jersey	48	32	51.7%	48.3%	41 / 39	8.8%
New Mexico	33	37	50.5%	48.0%	35 / 34	2.9%
New York	105	44	54.1%	44.1%	81 / 66	16.0%
North Carolina	45	73	45.4%	54.1%	54 / 64	7.5%
North Dakota	23	71	32.6%	67.0%	31 / 63	8.5%
Ohio	34	65	40.7%	57.9%	40 / 57	6.1%
Oklahoma	29	72	40.7%	58.1%	41 / 59	11.9%
Oregon	35	25	50.9%	44.2%	31 / 27	6.7%
Pennsylvania	83	119	44.7%	54.6%	91 / 110	3.9%
Rhode Island	63	11	73.2%	20.5%	55 / 15	10.7%
South Carolina	46	78	36.6%	61.8%	45 / 77	0.8%
South Dakota	12	58	31.0%	66.8%	22 / 47	14.3%
Tennessee	26	73	26.9%	71.7%	27 / 71	1.0%
Texas	50	97	32.6%	63.2%	49 / 93	0.7%
Utah	12	63	31.6%	66.6%	24 / 50	16.0%
Vermont	85	53	54.8%	36.6%	82 / 51	2.0%
Virginia	32	67	36.8%	63.2%	37 / 63	5.0%
Washington	51	47	48.0%	46.4%	47 / 46	4.1%
West Virginia	36	64	43.2%	54.9%	43 / 55	7.0%
Wisconsin	36	63	42.2%	55.9%	42 / 55	6.1%
Wyoming	9	51	16.8%	79.4%	10 / 48	1.7%

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