

STATELINE MIDWEST



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STATES CONTINUE TO RESHAPE ELECTION POLICY — AND THE VOTER EXPERIENCE

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Variation in the 50 states' election laws is as old as the nation itself, a reflection of the "times, places and manner" authority constitutionally granted to state legislatures. Across the country, those legislatures have been quite active on election policy in recent years, implementing changes on how voters register, where and when they vote, and what they need in order to cast a ballot. Since 2022, U.S. states have enacted 275 voting laws, as tracked by the Brennan Center for Justice. The center categorizes some of these measures as "expansive," meaning they have made it easier to vote, and others as "restrictive," limiting voter access in some way. (The independent, nonpartisan organization's tracking of laws also includes measures related to election interference.) Beyond the laws directly impacting voter experiences and access, states also play a central role in election administration, which, in turn, can affect voter confidence in the entire process.



This CSG Midwest analysis of regional trends is based on a state-by-state review of new laws, plus interviews with legislators. It focuses on these developments in particular:

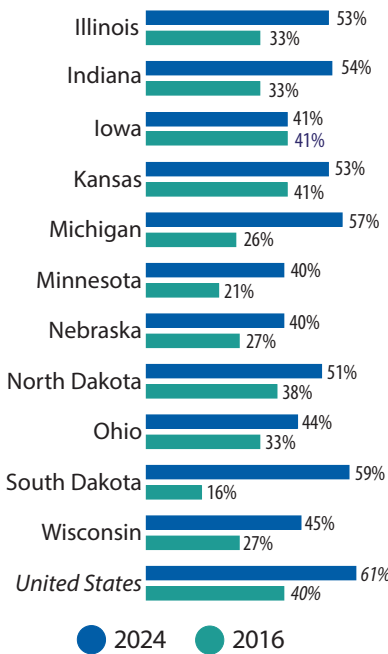
- mandatory post-election audits;
- changes in the voter registration process;
- new proof-of-citizenship requirements; and
- tweaks to the policies on early voting, both in person and by mail.

ON THE BACK END: NEW LAWS ON POST-ELECTION AUDITS

So far this decade, one particularly active state on election policy has been South Dakota. "There was just a lot of suspicion after the 2020 election, when you saw so many of the rules were changed," Senate Majority Leader Jim Mehlhaff says. That was the year of voting during the COVID-19 pandemic. Mehlhaff says suspicion among South Dakotans often has been rooted in what they have read, heard or learned about elections in other states. Still, South Dakota legislators have looked for ways to secure their state's own voting system and ensure confidence in it. "We're a small state; our legislative districts are small," Mehlhaff notes. "So we have a number of close legislative races almost every year, and it draws a lot of scrutiny."

Hence the need for a state-funded, county-run system of post-election audits, Mehlhaff says, which the Legislature began requiring under a 2023 law (SB 160). He points to that measure as a "valuable addition" to how the state can better oversee elections while also "quelling some of the concerns about election integrity." With the law in place, after every primary and general election, each South Dakota county must review the results of two contests in 5 percent of its voting precincts. All votes cast in those contests and precincts are counted manually, with results from the paper record then compared to those from the automatic tabulating equipment. Notably, the entire post-election audit process in South Dakota must be open to the public, from the random selection of contests and precincts, to the unsealing and opening of ballot boxes, to the manual counting of votes. North Dakota followed two years later by establishing a new mandatory process for post-election auditing (SB 2175 of 2025). This policy is now used in every Midwestern state. Indiana, Michigan and Ohio also are among the U.S. states with laws or programs that encourage or allow for "risk-limiting audits" (RLAs): use of a statistical sampling method to check a certain number of paper ballots

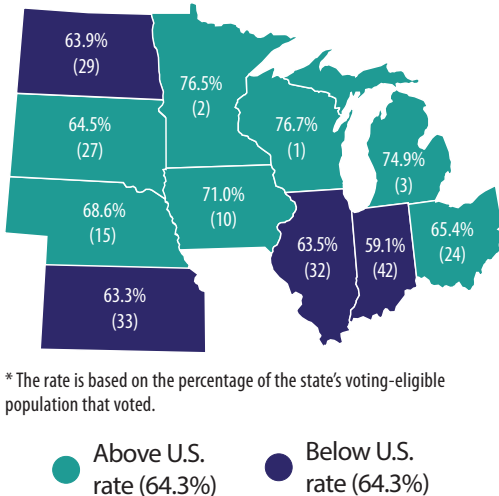
RISE OF EARLY VOTING: % OF VOTES CAST BEFORE ELECTION DAY, 2024 VS. 2016*



* Votes cast before Election Day include mail voting and early in-person voting. Nationwide, in 2024, early in-person voting accounted for 31 percent of all votes cast and mail-in voting for 26 percent. (Four percent of the votes before Election Day were unspecified.)

Source: The Center for Election Innovation and Research

VOTER TURNOUT RATES: 2024 (U.S. RANK)*



* The rate is based on the percentage of the state's voting-eligible population that voted.

● Above U.S. rate (64.3%)
● Below U.S. rate (64.3%)

Source: University of Florida Election Lab

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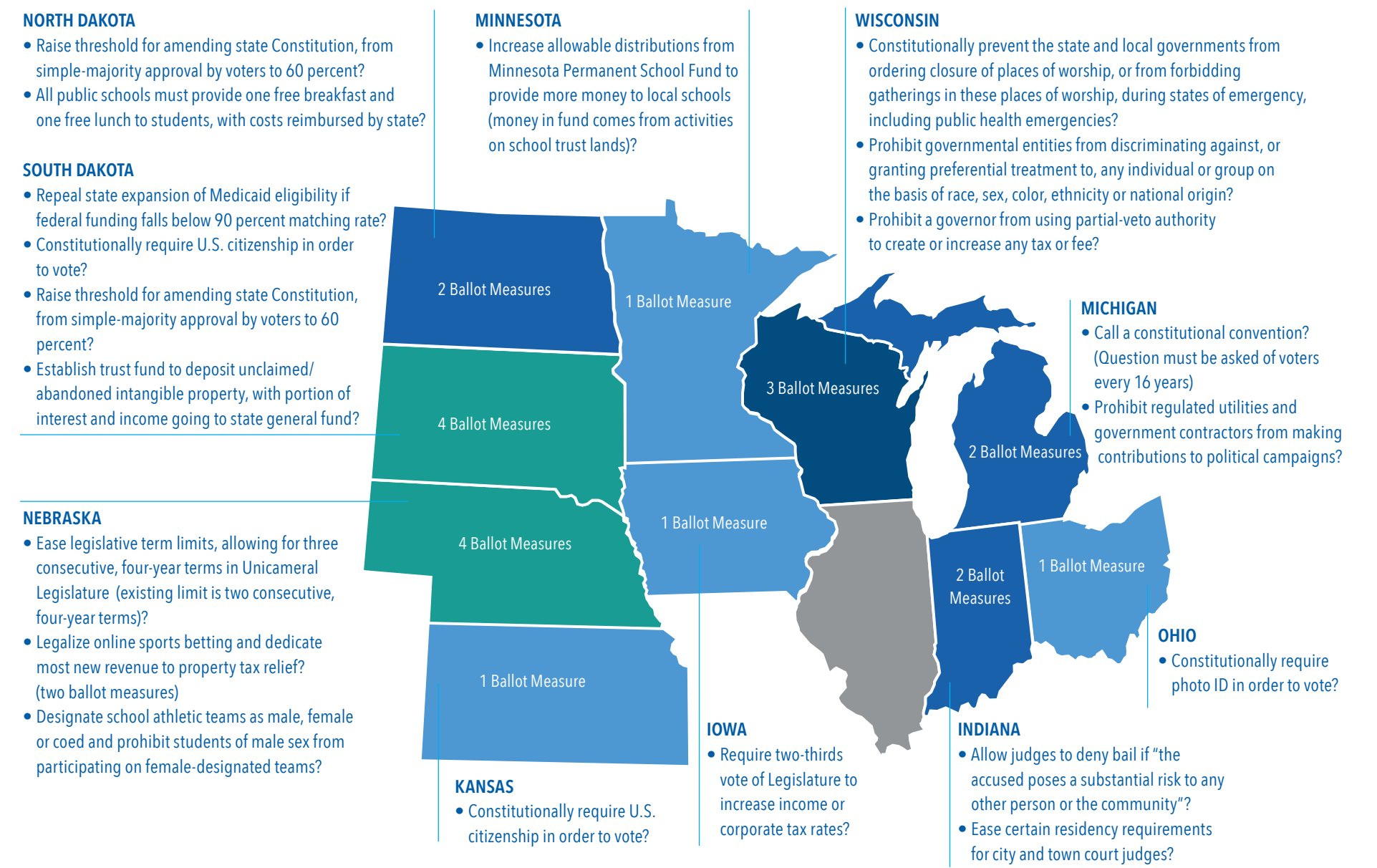
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- Ohio Rep. Cindy Abrams nominated by legislative peers to become national CSG leader
- New CSG Midwest reports for policy leaders focus on two critical issues in the region's legislatures: one on strategies to improve literacy, the second on boosting housing development

Voters' Turn: 21 Measures on the Ballot in 11-State Midwest

This November, the most common type of measure on ballots will be legislatively referred constitutional amendments. Proposals include a higher threshold for raising taxes (Iowa), greater judicial authority to deny bail (Indiana), a change in term limits (Nebraska), and protections for places of worship (Wisconsin). Among the citizen-initiated statutes or constitutional amendments: providing free school meals for children (North Dakota), legalizing online sports betting (Nebraska), and banning male participation on female school athletic teams (Nebraska).



WHAT CAN GET ON THE BALLOT? Overview of State Laws in Midwest

	IL	IN	IA	KS	MI	MN	NE	ND	OH	SD	WI
Allows for legislatively referred constitutional amendments?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Allows for citizen-initiated state statutes and constitutional amendments?	Limited*	No	No	No	Yes	No	Yes	Yes	Yes	Yes	No
Allows for citizen-initiated measures to veto an enacted law?	No	No	No	No	Yes**	No	Yes	Yes	Yes**	Yes	No
Requires recurring ballot question on whether to hold a state constitutional convention?	Yes, every 20 years	No	Yes, every 10 years	No	Yes, every 16 years	No	No	No	Yes, every 20 years	No	No

* Illinois only allows for citizen-initiated constitutional amendments that propose structural or procedural changes to the legislative article of the Constitution

** Michigan and Ohio also allow for citizen-initiated measures that amend an existing state statute

Source: Ballotpedia

Ballot thresholds: Signature Requirements for 3 Types of Citizen-Initiated Measures

	CONSTITUTIONAL AMENDMENT	STATE STATUTE	VETO REFERENDUM
IL	8% of votes cast in last election for governor		
MI	10% of votes cast in last election for governor	MI 8% of votes cast in last election for governor	MI 5% of votes cast in last election for governor
NE	10% of registered voters	NE 7% of registered voters	NE 5% of registered voters*
ND	4% of state population	ND 2% of state population	ND 2% of state population
OH	10% of votes cast in last election for governor	OH 3% of votes cast in last election for governor	OH 6% of total votes cast in last election for governor
SD	10% of votes cast in last election for governor	SD 5% of votes cast in last election for governor	SD 5% of votes cast in last election for governor

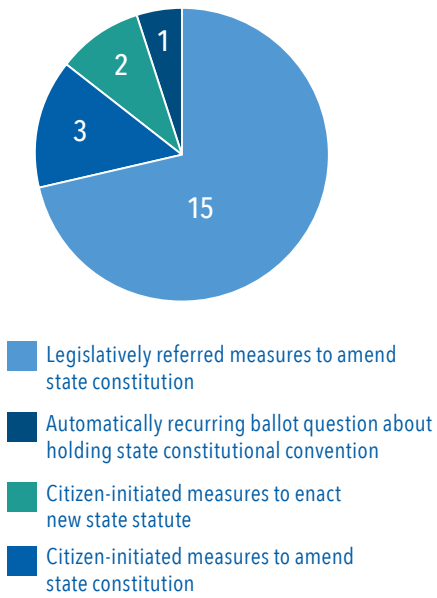
* Signatures of 10% of voters will suspend the law until the vote

OTHER CONSIDERATIONS:

Nebraska: Signatures must include at least 5 percent of the registered voters in each of two-fifths of the counties in the state

Ohio: For a constitutional amendment, signatures must be obtained in at least one-half of Ohio's 88 counties. For each county, the signatures collected must be equal to or greater than 5% of the votes cast in the last gubernatorial election. This same distribution requirement applies for a citizen-initiated state statute and veto referendum, but with a different percentage threshold: 1.5% and 3%, respectively.

Overview of November 2026 Ballot Measures, By Type



50 STATES, 50 ELECTION SYSTEMS: NEW LAWS IN MIDWEST REFLECT VARIED APPROACHES

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and ensure the election outcome was correct. RLAs have been cited as the “gold standard” of post-election audits.

In Indiana, the Voting System Technical Oversight Program (created legislatively and operated out of Ball State University in coordination with the secretary of state) has conducted 45 RLAs in 41 Indiana counties in recent years. The result of each audit, program officials say, showed that the local voting system was functioning and the election outcome was correctly reported.

SOUTH DAKOTA: NEW LAW ON PROOF OF CITIZENSHIP

Promoting voter confidence is a central goal of post-election auditing.

But the actual voter experience is impacted more by other parts of state election policy, such as the registration process, as well as the laws that govern voting in person or absentee, and voting early or on Election Day.

Changes in these types of laws garner the most public attention, and enacted measures in South Dakota and Minnesota illustrate the extent to which policies can vary among states.

Earlier this year, with the passage of SB 175, South Dakota began requiring individuals to provide documentary proof of citizenship when registering to vote for the first time or if they had been removed from the state’s voter rolls.

According to the Movement Advancement Project, an independent, nonprofit think tank that monitors

election laws, six other U.S. states (none in the Midwest) have similar proof-of-citizenship requirements.

One year earlier, South Dakota legislators had passed SB 75. It requires new state-issued driver’s licenses and nondriver identification cards to indicate citizenship status.

At the time of the bill’s passage, proponents of SB 75 said it would prevent noncitizen voting by allowing election officials to check citizenship status via the state-issued driver’s license or ID. (Photo ID must be presented when voting in South Dakota.)

Under the 2026 proof-of-citizenship law, those newer cards (issued after July 1, 2025) are one of the acceptable documents for individuals to show when registering to vote. Others include a tribal ID card and photocopies of a birth certificate or a U.S. passport.

According to Mehlhaff, SB 175 also has language to address another concern in South Dakota: individuals who do not reside in the state, but who use it for mail-forwarding services and then vote in state elections.

Under SB 175, individuals receive a “federal voter” designation if they don’t provide the necessary documentary proof of citizenship or documentation of a physical address in South Dakota.

Their ballots then only include federal races; state and local contests are excluded. (The designation itself was created under a 2025 law, HB 1208.)

“Why should they get a ballot to vote for who’s sitting on the school board? The county commission? Legislative races?” Mehlhaff says, explaining the rationale for federal-only ballots.

He notes that the issue may be particular to South Dakota because of its status as a non-income-tax state.

In other parts of the Midwest, Ohio (HB 54 of 2025) and Indiana (HB 1680 of 2025) also have established proof-of-citizenship requirements, though these laws are more limited in scope than South Dakota’s.

- The requirement in Ohio applies to the voter registration process for individuals applying for a driver’s license or state identification card.
- Under the Indiana law, county clerks send a notice requesting proof of citizenship for any individual who registers to vote using a state-issued temporary credential. Once notified, the individual has 30 days to provide documentary proof of citizenship — for example, a birth certificate, a U.S. passport or a certificate of naturalization.

MINNESOTA: AUTOMATIC VOTER REGISTRATION AND MORE

Minnesota Rep. Emma Greenman has a unique perspective on state election law. Outside the Legislature, she has worked in different states on voting-rights issues and cases. Inside the Legislature, she has spearheaded a series of changes to Minnesota’s election laws, most notably in 2023 and 2024.

“In Minnesota, for many years, we had been offering same-day registration, online registration, no-excuse absentee voting,” she says. “But we had been sort of resting on our laurels and had seen other states leapfrog us.

“Then we made about half a century

of gains [during that 2023-2024 period],”

Among the recent advances in Minnesota, she points to the passage of a state-level Voting Rights Act (HF4772 of 2024), which aims to protect citizens from discriminatory voting practices, and creation of a new state fund to assist local governments with election administration (purchasing voting equipment, making security-related improvements, upgrading polling places, etc.).

Minnesota added statutory protections for election workers as well, Greenman says, with new crimes and penalties for intimidating these workers, interfering with election administration, and tampering with voter equipment and registration systems (HF 1830 of 2023).

Also in place are new options for Minnesotans to register to vote — a pre-registration option for 16- and 17-year-olds, for example, as well as the launch of a “back-end,” secure process of automatic voter registration (HF 3 of 2023).

As a result, individuals in Minnesota seeking a driver’s license, a driver instructional permit or a state ID card do not need to affirmatively opt in to voter registration. Rather, if the individual provides proof of citizenship during the transaction, state and local officials initiate an internal process of confirming voter eligibility. If confirmed, the individual is registered to vote. (A notice is sent giving the individual the opportunity to opt out.)

CHANGES IN EARLY-VOTING LAWS

Across the country, one big change in the voter experience has been the shift from a single Election Day to a state voting period that often stretches over weeks.

In five U.S. states (Hawaii, Oregon, Washington, Utah and Colorado), pre-Election Day voting accounted for 94 percent or more of all votes cast in 2024, according to The Center for Election Innovation and Research.

No Midwestern state comes close to that rate. However, in Illinois, Indiana, Kansas, Michigan, North Dakota and South Dakota, a majority of the votes cast in 2024 were done so through early voting, either in person or by mail/absentee ballot.

The center notes that state laws have contributed to this change in voting habits; they have made mail-in and early in-person voting more widely available.

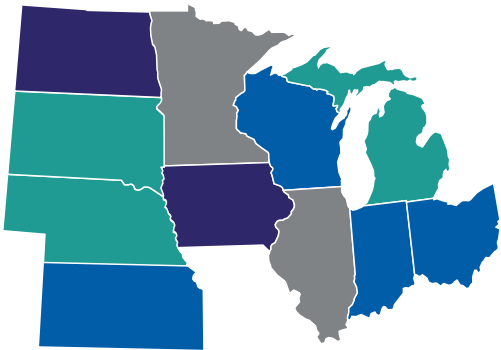
Today, these two options are accessible to all voters in every Midwestern state except Indiana. (In that state, early in-person voting is available to all, but voters must apply to vote by mail and cite a reason they cannot make it to the polls.)

How long should the period of early voting last? Should a permanent list of absentee/vote-by-mail voters be created? What should the deadline be for returning mail-in ballots?

Legislators continue to debate those and other questions about early voting.

Five years ago, Iowa reduced the length of time for in-person absentee voting and for when absentee mail

STATE ELECTION LAWS ON VOTER ID AT POLLS



- “Strict” photo ID law in place¹
- “Non-strict” photo ID law in place²
- “Strict” non-voter ID law in place¹
- ID not required to vote; voter eligibility verified by other means

¹“Strict” means voters without acceptable ID are usually required to take additional steps after Election Day to ensure their vote is counted

²“Non-strict” means voters without acceptable ID may still be able to cast a regular ballot and not have to take additional steps after Election Day to ensure their vote is counted

Source: Movement Advancement Project

ballots are sent out: from 29 days to 20. The same law (SF 413 of 2021) set a stricter deadline for when mail ballots must be received — it is now before polls close on Election Day.

Laws enacted in 2025 in Kansas (SB 4), North Dakota (HB 1165) and Ohio (SB 293) also now require mail/absentee ballots to be received by Election Day. Ohio had previously allowed for a grace period of four days, but proponents of the change say the stricter deadline will prevent prolonged vote counting and allow for a timely public reporting of election results.

According to the Movement Advancement Project, Illinois is now the only Midwestern state whose deadline for receiving mail ballots extends beyond Election Day. In that state, these ballots must be postmarked on Election Day (or sooner) but can be received as many as 14 days later of that date.

Illinois also now keeps a permanent list of individuals wanting to receive ballots by mail (SB 825 of 2021). Those on the list automatically receive ballots every election season. Other states giving voters the opportunity to sign up and receive mail/absentee ballots on a permanent basis include Michigan (HB 4699 of 2023) and Minnesota (HF 3 of 2023).

- Among the other notable legislative changes to the early-voting process:
- Under HB 1334 of 2023, Indiana has enhanced ID requirements for individuals requesting to vote by mail. With their application, voters must provide a photocopy of a valid photo ID (driver’s license, for example) or a valid voter ID number (a Social Security number, a driver’s license number or a number associated with the voter registration record). Nebraska has established similar identification requirements for voting by mail (LB 514 of 2023).
 - Michigan requires local governments to offer, at minimum, nine consecutive days of early voting, ending on the Sunday before Election Day (SB 367 of 2023).
 - Minnesota has created an 18-day period for early voting (HF 1830 of 2023). That is in addition to the 46-day period for voting via absentee ballot, which can be returned by mail or completed in person.

OVERVIEW OF VOTER REGISTRATION LAWS IN MIDWEST

No voter registration required?	North Dakota (only state in nation)
Allow for online voter registration?	Every Midwest state except South Dakota
Allow pre-registration of 16- and 17-year-olds?	Illinois, Iowa (age 17 only), Michigan, Minnesota and North Dakota
Allow for Election Day registration?	Illinois, Iowa, Michigan, Minnesota and Wisconsin
Some form of automatic voter registration?	Illinois, Michigan and Minnesota
Proof-of-citizenship requirement?	South Dakota

Source: Movement Advancement Project

