

June 29, 2010

To: Interested Parties

From: Erin Ferns Lee

**Re: Election Legislation 2010:
Threats & Opportunities Assessment Update**

While the aftermath of the 2008 elections—which exhibited higher turnout among underrepresented citizens—inspired early voting debates and possibly contributed to the passage of online voter registration in many states in 2009, it appears the upcoming midterm and presidential elections (as well as tight state budgets) have influenced which election reforms have been viable in Congress and the states in 2010.

Among the positive trends are a variety of measures to improve or foster voter registration and voting access among young citizens, including preregistration and accessibility to voter registration on high school and college campuses. Restoration of voting rights, Election Day Registration, and the criminalization of deceptive practices or voter suppression tactics were also introduced in the states and Congress in 2010, though few bills have actually advanced. Further, measures to make voting more convenient, such as early voting, have been viewed in a less favorable light, as they are increasingly attached, albeit unsuccessfully, to measures designed to reduce voter access, such as voter ID.

Voter ID maintains its place as the leading election “reform” that restricts voting access to only those who have the means of obtaining acceptable forms of identification before Election Day. However, its even more restrictive cousin, proof-of-citizenship at registration, has gained traction in 2010, undoubtedly due to the increasing anti-immigrant sentiment that plagues the country.

This year, Project Vote monitored election bills in 45 states (10 still in session at the time that this report is being written) and distributing weekly emails featuring hot-button election issues. This memo assesses both the threats and opportunities represented by emerging election reforms that have been enacted or are gaining significant support in legislatures and Congress. We also assess the viability of pending bills in states that are still in session, based on discussions with state-based advocates, recent media coverage, and the partisan makeup of the legislature.

Threats to Voting Rights

Voter ID

Widely battled in courts and in legislatures over the last decade, voter ID remains one of the most polarizing election issues, especially as it takes on a new form. The 2009-2010 legislative sessions saw new versions of photo ID requirements, including those that were paired with early voting legislation (as seen in Missouri, South Carolina, and Mississippi in recent years). So far, this combination of “bad” and “good” election reforms has been somewhat unsuccessful: the Missouri bill failed to achieve Senate passage, and Mississippi expects to circumvent the legislature in 2011 by putting a GOP-sponsored voter ID initiative on the statewide ballot. However, at the time that this report is being written, the South Carolina bill was in Conference Committee. The House approved the conference committee report and the bill is now in the Senate, where Democrats are reportedly debating the measure intensely.

Threats to Voting Rights

Like Mississippi, Iowa and Nevada are also on the radar for non-legislative voter ID efforts. In Iowa, three candidates vying for the Republican nomination for secretary of state have advocated reducing “voter fraud,” which is currently non-existent; two of these candidates—Matt Schultz and Christopher Sanger—have expressly called for an identification requirement. In Nevada, a Republican candidate for secretary of state has filed a petition to get a voter ID initiative on the state ballot. The petition must have 97,002 signatures to put the issue before the legislature: if the legislature rejects or does not act on the issue, Nevada voters will have the opportunity to vote on it in 2012.ⁱ

This session, voter ID was adopted in Idaho and has occasioned major debates in Missouri and South Carolina, with the latter still considering the bill. In addition, voter ID measures can be expected to reappear in Tennessee (where it was adopted by the House this session), Alabama, Colorado, and Rhode Island, where the bills were postponed indefinitely. Texas legislators also announced in June that the notoriously debated issue will likely reemerge when the state legislature convenes in 2011.ⁱⁱ

- **Idaho – HB 496:** The Idaho legislature has enacted a photo ID law that requires voters to prove identity before voting via current and valid driver’s license, passport, tribal ID, or student ID. Voters without acceptable ID would be allowed to sign an affidavit before casting a ballot. The state introduced a similar measure in 2009.
- **Missouri – HJR 64/HB 1966:** Missouri’s voter ID package, HJR 64 and HB 1966, to require photo identification and provide a short “advance voting period” failed to achieve passage. The bill is the fourth attempt by the legislature to pass photo ID since the court struck down its similar 2006 law as unconstitutional.

In 2010, as in previous years, Project Vote took an early and active role in the defeat of this bill and its substitutes. Working with [Missourians for Fair Elections](#), a coalition of organizations in the state, Project Vote participated in the development of talking points on the “advance voting” proposal in the legislation, submitted written testimony, and developed an advocacy strategy for both the House and the Senate.

Finally, on May 14, the legislature adjourned without Senate floor action on the ID/advance voting bills. Voting rights advocates will be meeting this summer to develop an affirmative strategy going forward.

- **South Carolina – HB 3418:** After at least two legislative sessions of fruitless voter ID debates, South Carolina finally pushed a bill through both chambers in 2010. The bill, which was amended to include an early voting provision, is still pending in Conference Committee. The House adopted the Conference Committee report on June 15, before going on recess. The Senate may pick the bill up again when it reconvenes on June 29.

The last version of this bill would require all voters to present valid and current ID, including South Carolina identification issued by the Dept. of Motor Vehicles, passport, military ID, or voter registration card with photo. (Sec. 7-5-675 directed the State Elections Commission to implement a system to issue voter registration cards with photos.) The bill would also allow voters whose photo is disputed by the election manager (or who do not have ID at all) to vote provisionally. Further, those with religious objections to being photographed, or those with an “impediment that prevents the elector from obtaining photograph identification,” would be allowed to vote provisionally after signing an affidavit.

The bill would also allow any voter to vote during the early voting period, starting the Thursday before an election and leading up to the day before Election Day (the earlier Senate version provided for a two-week early voting period). This bill provides for free special identification cards, issued by the Department of Motor Vehicles, for citizens over the age of 17.

Proof of Citizenship

Although not as common as voter ID, requiring voter applicants to prove citizenship when registering to vote is another controversial election reform that can raise serious barriers to the franchise. With anti-immigration debates in full swing since the passage of Arizona's SB 1070, there may be an increase in similar legislation to prove citizenship when exercising civil rights.

This was recently exhibited in Tennessee, where a proof of citizenship bill was amended and adopted by the Senate in May to allow election administrators to request documented proof of citizenship from any registrant at their discretion. The original bill, which would have required all citizens to submit proof of citizenship when registering to vote, was amended by the House to only provide a warning on mail-in registration cards that indicates falsifying information is a felony. In an opinion issued in late May, state Attorney General Robert Cooper said the Senate's amended version would violate the National Voter Registration Act, which allows people to register to vote at many state agencies and by mail.ⁱⁱⁱ

HB 270 did not reach concurrence in the House on May 24 and failed upon adjournment on June 10.

Michigan and New York are states to watch for pending legislation. Similar bills were introduced, but died in Virginia, Washington, and Wisconsin, while Massachusetts' House Bill 579 was sent for further study.

- **Michigan – SB 1370/HB 6286:** These bills would require all voter applicants to submit satisfactory evidence of United States citizenship with their voter registration applications. Any application received by election officials without sufficient evidence of citizenship would be rejected. Acceptable ID includes driver's license or state ID issued by the department of state (if the card indicates that the person provided proof of citizenship to obtain the ID); a photocopy of birth certificate or valid passport; a Bureau of Indian Affairs card or tribal treaty card; or U.S. naturalization documents or the number provided on the certificate of naturalization (if the applicant only provides the number on the certificate, the voter applicant will not be registered until the number has been verified with the U.S. Immigration and Customs Enforcement).

The Senate bill was introduced and sent to the Senate Campaign and Election Oversight Committee in early June. The House Bill was introduced and referred to the House Ethics and Elections Committee on June 23. In May, there were reports indicating that the state may follow Arizona's lead and battle anti-immigration legislation. At this time, it is unclear if the bills will gain traction, but they merit monitoring.

- **New York – A 2968:** This bill requires persons seeking to register to vote to prove age, residence, and citizenship. Unlike most proof-of-citizenship bills, it vaguely directs the state board of elections to promulgate rules and regulations establishing which forms of proof of the qualifications to vote can be accepted by boards of elections.

The bill is in the Assembly Election Law Committee, but has not been active since January 2009.

- **Tennessee – HB 270:** This bill allows the administrator of elections to reject any application of a first-time registrant if it is not accompanied by satisfactory evidence of U.S. citizenship, including copies of birth certificate or passport, Bureau of Indian Affairs number, or original naturalization papers.

The bill, which passed both chambers, failed upon adjournment after the House refused to concur with Senate amendments.

Threats to Voting Rights

Felon Disenfranchisement

The issue of felon voting rights—restricting or restoring—has gained public interest in recent years. While restoration of voting rights has garnered more attention on the state and federal levels with the introduction of various bills (See “Restoration”), efforts to restrict access to voting rights are still viable. In 2010, five states have introduced legislation to limit released felons’ access to the franchise. Three of those states already have strict felon voting laws, including Alabama and Tennessee (which both permanently disenfranchise certain felons) and West Virginia (which only restores voting rights after the felon has completed all terms of his or her sentence, including probation and parole).

On June 9, Tennessee adopted a controversial bill that legislators call “an overall Republican Party effort to disenfranchise people.”^{iv}

- **Tennessee – SB 440/HB 969:** This bill provides that a person convicted of a felony may only regain voting rights after he has paid all restitution to the victim or victims of the offense, all fines ordered by the court, and all court costs assessed against the person following the conviction. It was amended to provide the exception where the court has made a finding at an evidentiary hearing that the applicant is indigent at the time of application.

“I agree that we should have restitution, but what I don’t agree with is when your income or lack thereof causes inequity in our system, and that’s exactly what this does,” said Rep. Jeanne Richardson, D-Memphis in a story by the *Tennessee Report*. “This is not equal justice. We are talking about people who have paid their debt (through incarceration), and now we are going to make a decision on their ability to vote based on how much money they have.”

This bill was sent to the governor on June 14.

Voter Registration Drives

Restricting nonpartisan voter registration drives was the subject of election bills in a few states following the 2008 presidential election. In 2010, some states still proposed bills to directly affect voter registration organizations, ranging from prohibitions on compensation for voter registration workers to limitations on the number of cards that a drive can obtain at one time. However, the majority of bills in 2010 seek to subject the person who submits someone else’s fraudulent voter registration card to criminal prosecution.

In April, Oklahoma Governor Brad Henry signed a bill to increase penalties for convictions of voter registration and voter fraud. Under Senate Bill 1921, “any person who knowingly causes the collection or submission of voter registration forms containing false, fraudulent or fictitious information shall be deemed guilty of a felony.” Similar bills are currently pending in Michigan.

- **California – AB 2101:** If a person is found guilty of engaging in prohibited voter registration activities, this bill permits a court to issue an order prohibiting the person from receiving money or other compensation for assisting another person in registering to vote.

The bill passed the House and was read a second time on the Senate floor on May 20.

Opportunities in Voting Rights

Youth Voting

Although recent registration and turnout rates indicate that they hold a greater stake in the democratic process, young people are still greatly underrepresented in the U.S. electorate. The 2010 legislative sessions indicate that lawmakers are trying to rectify this disparity with a flurry of legislation focusing on improving access to voter registration for young people. Preregistration and voter registration access on high school and college campuses were most popular, while student poll worker programs also piqued interest in the legislatures.

Preregistration

During the 2009-2010 legislative sessions, three states enacted laws to permit citizens who are not of voting age to preregister to vote, including California, Rhode Island, and Maryland. Although this increasingly popular election reform failed in four states—including Arizona, where preregistration is expected to reappear in 2011—five more exhibit bills to watch.

Project Vote is able to provide technical assistance to states seeking to extend voter registration access to underrepresented youth by implementing preregistration policies. Currently, Project vote is providing advocacy materials to stakeholders in some of these states.

- **Delaware – HB 381:** This act would allow 16-year-olds to register to vote through the Division of Motor Vehicle when they first apply for their driver's licenses.

It was adopted by the House on May 6 and voted out of the Senate Administrative Services/Elections Committee on June 16.

- **Maryland – HB 217/SB 292:** These bills would permit citizens as young as 16 to preregister to vote in order to be automatically eligible to vote upon turning 18.

After three years of Maryland's introducing and failing to pass preregistration bills, Maryland Governor Martin O'Malley finally signed these bills into law in early May.

- **Massachusetts – HB 683:** This bill would permit 16.5-year-old citizens to preregister to vote.

After an extended period of inactivity, this bill finally passed out of committee in May and awaits its third hearing on the House floor.

- **Michigan – HB 4241 and HB 4332:** These bills would permit preregistration for 16- and 17-year-old citizens.

Both were adopted by the House in May 2009 and are currently pending in the Senate Campaign and Election Oversight Committee.

- **New York – A 811/SB 1872:** These omnibus youth election bills that are currently in the Assembly Election Law Committee and Senate Elections Committee, respectively, would permit both preregistration and campus registration.

Specifically, these bill would amend election law to permit any citizen who is "at least 17 years old" to register to vote. The bills direct all colleges, universities, and public high schools to make voter registration available in the same manner as other designated agencies. The exception would be that schools would not be

Opportunities in Voting Rights

required to collect declination forms or conduct studies.

The bills further require all schools to link state information on voter registration qualifications and applications to the school homepage. Finally, colleges and universities would be required to inform students of the right to complete their voter registration form from their college or previous address.

- **Pennsylvania – HB 259:** This bill permits persons who will be 18 years of age or older on the day of a general election to register and vote in the corresponding primary election. In order to vote in a primary, however, the voter must have registered as a member of a political party.

It has been in the House Appropriations Committee since March.

Campus Registration

Access to voter registration on campus has been an interest in the states and Congress since 2009. Last year, Congress proposed a bill to amend the National Voter Registration Act to include institutions of higher education as voter registration agencies (S 1125/HR 1729). Since then, several states have proposed bills to provide voter registration on either college or high school campuses.

- **Arizona – HB 2668:** This bill, signed by the governor on May 11, directs the Arizona Board of Regents to work with the student government of university and community colleges under its jurisdiction to adopt a plan to increase student voter registration and voter participation. This includes providing information on voter registration and voting opportunities with admission packets, during orientation, etc. It also requires the schools to provide information on voter registration and mail voting deadlines, as well as links to online voter registration from school Web sites.
- **Louisiana – HCR 158:** House Concurrent Resolution 158 was introduced and adopted on May 11. This bill requests the secretary of state to develop and implement an annual educational and instructional presentation concerning voting and voter registration targeted at high school seniors.
- **New York – A 811/SB 1872:** These omnibus youth election bill would permit both campus registration and preregistration.

Specifically, these bills would change election law to permit any citizen who is “at least 17 years old” to register to vote. The bills direct all colleges, universities, and public high schools to make voter registration available in the same manner as other designated agencies. The exception would be that schools would not be required to collect declination forms or conduct studies.

The bills further require all schools to link state information on voter registration qualifications and applications to the school homepage. Finally, colleges and universities would be required to inform students of the right to complete their voter registration form from their college or previous address.

Both bills are in the Assembly: AB 811 is in the Assembly Election Law Committee and the Senate bill, which was adopted by the Senate on June 15, awaits introduction.

Student Poll Worker Programs

Permitting citizens as young as 16 to work in the democratic process as poll workers, election inspectors, or election judges has been a less common but relatively successful subject of legislation. In 2010, two states introduced and enacted such bills.

- **New Mexico – HB 127:** This bill was signed into law in March. With parental permission, 16- or 17-year may be appointed to precinct boards under the direct supervision of the presiding judge of a precinct.

New York – A 4467 and SB 1837: The Assembly bill was signed into law mid-May. It permits high school students who are at least 17 years old to serve as election inspectors or poll clerks at elections under the election or education law. The bill provides that such students, if so serving while school is in session, would be recorded as in attendance.

The pending Senate Bill 1837 would allow any full-time college student in New York to serve as an election inspector if the student speaks and reads English, is not running for office, and is registered to vote.

The bill was adopted by the Senate on June 15 and is currently in the Assembly.

Election Day Registration

Election Day Registration (EDR) policies have existed in several states since the 1970s, and those states boast voter turnout rates that are 10-12 percent above the national average. In the 2009-2010 legislative sessions, EDR bills were introduced in 10 states and the U. S. Congress.

In Congress, S.1986 is pending in the Senate Rules and Administration Committee, but has not been active since October 2009. The state bills to watch include the following:

- **California – AB 1531 and SB 1140:** The Assembly bill allows an eligible citizen to register or re-register to vote at the local elections official's office, commencing 14 days before Election Day and provides for Same Day Registration with mail ballots during the early voting period or on Election Day, by provisional ballot at the eligible citizen's precinct.

It was adopted by the Assembly in May 2009 and is currently in the Senate Elections, Reapportionment and Constitutional Amendments Committee.

The Senate version provides for EDR at one-stop voting locations. Under this bill, an otherwise qualified person could register to vote on Election Day, or any earlier day when ballots are available, and then immediately vote.

- Senate Bill 1140 was adopted by the Senate in early June. It is currently in the Assembly.
- **New York – A 5257/SB 5059:** These bills would allow an eligible citizen to register and vote at any election after providing proof of residence on Election Day.

The Assembly bill is in the Assembly Committee on Election Law. The Senate bill is pending in the Senate Elections Committee.

- **Pennsylvania – HB 2373:** This bill would allow for Election Day Registration if the registrant provides sufficient proof of residence and government issued ID. It would allow the registrant to vote by provisional ballot.

It has been pending in the House State Government Committee since March 25.

NVRA Agency Registration

During the 2009-2010 legislative sessions, bills were introduced in at least four states and the U. S. Congress to improve access to voter registration under the National Voter Registration Act, which designates public assistance agencies and motor vehicle offices to also serve as voter registration agencies. Proposals range from improving registration practices at NVRA agencies to expanding access to voter registration at universities and correctional facilities. However, few of these bills remain pending and none have been active in the last several months.

- **New Jersey – A 948:** This bill provides citizens who apply for a motor vehicle driver's license from the New Jersey Motor Vehicle Commission with voter registration materials and assistance to register to vote, unless the person specifically declines to so register for any reason. The bill was referred to the Assembly State Government Committee on January 13.

Paperless Voter Registration

Utilizing modern technology to make voter registration more accessible to eligible citizens is a rapidly-spreading legislative trend. Most commonly seen in the form of online voter registration (five states passed it in 2009 alone), paperless registration has also been introduced in the form of automatic registration through Motor Vehicle Divisions.

Online voter registration has the potential to be a cost-effective method of enfranchising more Americans, especially as applied to the electronic transmission of applications through voter registration agencies under the National Voter Registration Act. Although easier access to voter registration is welcome, most of the bills that were introduced this year rely on signatures that were provided by the applicant when applying for driver's license or state ID, something that America's least represented citizens are less likely to possess.

Online Voter Registration

Voter registration is becoming easier and more accessible for many eligible citizens in several states through the growing trend of online voter registration. Although introduced in at least eight states in the 2009-2010 legislative sessions, most bills failed or have not been active for several months. Despite the lull in activity, the following bills remain pending.

- **United States – HR 4449/S 3301 and HR 1719:** The “Responsible Online Voter Empowerment Registration Act of 2010” provides funding for states that choose to implement online voter registration under the condition that the registration is facilitated through an official public Web site. It has been pending in the House Committee on House Administration since January.

S 3301, the “Online Voter Registration Act of 2010,” was introduced in early May. This bill would establish an online voter registration grant program. It has been read twice and referred to the Senate Committee on Rules and Administration.

HR 1719, the “Voter Registration Modernization Act of 2009,” would require states to make online voter registration available to eligible citizens who wish to register or update their information online. It was introduced in March 2009 and referred to the Committee on House Administration, where its lead sponsor, Rep. Zoe Lofgren (D-CA), chairs the Election Subcommittee. Committee consideration of the bill is expected before the August recess.

- **New Jersey – AB 229:** This bill, introduced and referred to the Assembly State Government Committee on January 12, provides for online voter registration through the secretary of state's web site, authorizing the use of the NJ Motor Vehicle Commission's database to be used to approve online applications.

Automatic Voter Registration

After automatic voter registration through motor vehicle offices passed but was vetoed in Minnesota in 2009, three more states considered similar bills in 2010, including California, Hawaii, and Wisconsin. However, all of these bills have failed.

Restoration of Voting Rights

Efforts to address the array of confusing felon voting laws across the country have increased since 2009 on both the state and federal levels. Measures to improve or streamline access to voting rights for felons has ranged from automatic restoration upon release from incarceration to education or notification of voting rights upon release from incarceration. Reducing waiting periods or allowing restoration earlier in a felon's sentence, including during probation or parole, has also been up for debate in several states.

Even after Virginia Republican Governor Bob McDonnell took office in January and offered some misguided efforts (including a proposed essay-writing requirement to restore voting rights) to tighten its already-strict disenfranchisement law, the longtime effort to change the state's procedures continued.^v Several bills were introduced to revoke the state's restoration procedure that has released-felons waiting, sometimes for years, to apply and be personally approved by the governor to vote. But only one bill survived to be carried over to the 2011 legislative session, SJR 62. The bill would authorize the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law.

On the federal level, felon re-enfranchisement reportedly has the support of the Obama administration and many legislators, according to a February statement from Heather Higginbottom of the White House Domestic Policy Council.^{vi}

Currently, four states and Congress are considering restoration bills. Based on activity, Pennsylvania is the state to watch for this issue.

- **United States – HR 3335/S 1516 and HR 3576:** The “Democracy Restoration Act of 2009” (HR 3335/S 1516) would provide the right to vote in federal elections for all eligible citizens after they complete their imprisonment. It also requires the state to notify convicted felons of their restored voting rights upon release.

The bills are in each chamber's Judiciary committees. The House Judiciary Committee held a hearing on the bill on March 16.

The separate “Ex-Offenders Voting Rights Act of 2009” (HR 3576)—a bill to secure the federal voting rights of certain qualified ex-offenders who have served their sentences, including probation or parole—has been in the House Judiciary committee since September 2009.

- **Delaware – HB 17:** This bill amends the Delaware Constitution to eliminate the existing five-year waiting period before eligible felons who have completed all terms of their sentences may have their voting rights restored.

This bill was carried over from the 2009 legislative session, having passed the House. It is currently in Senate Executive Committee, but has not been active in 2010.

- **New Jersey - A 877, A 1015, S 557:** All three bills would amend state election law to permit probationers and parolees to register and vote. The bills also require the chief probation officer in each county, the state parole board, and the commissioner of corrections to assist each eligible person under their jurisdiction to complete a voter registration form.

Opportunities in Voting Rights

Though they are still pending in their respective committees, none of these bills have moved since January 12.

- **New York – SB 7546:** This bill relates to allowing parolees the right to register for and vote in any election.

It has been pending in the Senate Elections Committee since April 20.

- **New York – SB 1264/A 3375:** This bill requires convicted felons to be notified of their voting rights and provided with voter registration materials at least 30 days before their release from correctional institutions. The bill requires the State Board of Elections to annually provide the State Board of Parole with a sufficient number of voter registration materials.

The Senate bill is in the Senate Finance Committee and the House bill is in the Assembly Election Law Committee.

- **Pennsylvania – HB 1072:** This bill provides inmates who are released from state correctional institutions with voter registration materials. The Department of Corrections would provide registration materials.

This bill is in the State Government Bills on House Second Consideration.

Deceptive Practices

As we approach federal elections in November, and in 2012, legislators once again are introducing legislation to protect voters from deceptive practices. In particular, such legislation would monitor and criminalize the purposeful dissemination of misinformation with the intention of discouraging voting or misleading voters.

- **New York – A 9250/SB 2554:** Under this bill, any person, political committee, labor organization, corporation, or other entity who knowingly communicates or causes to communicate deceptive information (which he or she knows to be false) to prevent or deter another person from exercising his or her right to vote is guilty of a misdemeanor.

The Senate bill was passed on June 15. The Assembly bill has been in the Assembly Election Law Committee since May 27.

- **Pennsylvania – HB 2269:** This bill prohibits the purposeful dissemination of false information regarding an election or a person's voter eligibility with the intent to deter or discourage voting.

The bill has been pending in the House State Government Committee since March.

Convenience Voting

Legislation to make the voting process more convenient and inexpensive for both the voter and the government has increased in popularity in recent years. In 2009, early voting was a leading election reform, no doubt a result of the high early voter turnout in 2008. In 2010, however, few states considered early voting, except when offered as a “compromise” amendment to voter ID bills in an effort to gain support for the polarizing partisan issue. In addition, “no excuse” absentee voting and vote by mail measures are still considered in a number of states.

However, the majority of convenience voting bills that gained traction this session relate to overseas voters, in compliance with the recent enactment of the federal Military and Overseas Voter Empowerment Act, (Public Law No. 111-84), which provides voter registration assistance to members of the armed forces and other overseas voters, as well as the option of electronic transmission of voter registration applications and absentee ballots.

Currently, mail voting and no-excuse absentee voting bills are still pending in Congress and the state of New York. California is also considering a bill to make applying for mail ballots easier.

Vote by Mail

- **United States – S 3300:** This bill would establish a vote by mail grant program.

It was introduced and referred to the Senate Rules and Administration Committee on May 4.

No-Excuse Absentee

- **United States - S 3299:** This bill would amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in federal elections with no requirement that the voter state a reason for being unable to vote.

It has been in the Senate Rules and Administration Committee since May 4.

- **New York - A 8277/SB 5028:** These bills allow the legislature to provide a manner in which a qualified voter with an illness or physical disability may vote on or before Election Day without having to vote in person.

The Senate bill was adopted by the Senate on June 8. It is currently in the Assembly.

The Assembly bill was referred to the Assembly Judiciary Committee on June 9.

Election Administration

- **CA - AB 2154:** This bill permits a local elections official to allow voters to apply for vote-by-mail ballots by telephone. To do so, the applicant must provide personal identifying information that matches the information contained on the applicant's affidavit of registration, including first and last name, home address, and date of birth. The applicant's signature is not required for applications received by telephone.

The bill was adopted by the Assembly in April and is currently active in the Senate.

Conclusion

As we predicted in March, budget issues, partisan conflict, and upcoming elections have influenced the focus on election legislation in 2010. Most of the activity has been restricted to either mobilizing young, would-be voters with preregistration measures or barring otherwise eligible citizens from voting with citizenship or ID requirements. Both of these reforms require little expense by the state.

Although there are no troublesome bills to report from Congress, state lawmakers continue to battle regressive bills, leaving the threat of disenfranchising eligible citizens still looming in several states. In coming sessions, we can expect not only to see a reemergence of voter ID and proof of citizenship requirements in the state legislatures, but, in some cases, to confront them on statewide ballots for voters to decide. Educating citizens on how they can have an impact on the right to vote is key to strengthening democracy; otherwise, we will continue to see states using legislative time to battle over bills that bar citizens from participation.

Stay Informed

To stay informed about election reform and voting rights related bills in all 50 states and Congress, sign up for Project Vote's weekly Election Legislation eDigest. To subscribe, contact Erin Ferns Lee at elee@projectvote.org or visit www.projectvote.org/ and follow the link.

ⁱ Spillman, Benjamin. "Voter Picture ID Initiative in the Works: Secretary of State Candidate Offers Proposal." *Las Vegas Review Journal*. 23 Feb. 2010.

ⁱⁱ Montgomery, Dave. "Voter ID bill to emerge as a contentious issue in Legislature." *Fort Worth Star-Telegram*. 14 June 2010.

ⁱⁱⁱ Sisk, Chas. "Voter Citizenship Bill Would Violate Federal Law, TN Attorney General Says." *The Tennessean*. 20 May 2010.

^{iv} Nelson, Josh. "Legislature Says Criminals Must Pay for Voting Rights Restoration." *Tennessee Report*. 9 June 2010.

^v Kumar, Anita. "McDonnell spokesman says voting rights letter sent to felons 'without approval.'" *Washington Post*. 14 April 2010.

^{vi} The White House. "Open for Questions: More Questions from YouTube." 5 February 2010. Available at <http://www.youtube.com/watch?v=hszKfPgU5Qw>

Appendix:

Election Legislation Threats in the States

California

Voter Registration Drives

Status: PENDING; Adopted by Assembly

AB 2101: Permits a court to issue an order prohibiting a person guilty of election crimes from receiving money or other compensation for assisting another person in registering to vote for up to five years.

Idaho

Voter ID

Status: ENACTED

HB 496: Requires all voters to present photo ID or sign an affidavit before casting a ballot in person.

Michigan

Proof of Citizenship

Status: PENDING

SB 1370/HB 6286: Requires all voter applicants to submit evidence of United States citizenship with their voter registration applications.

New York

Proof of Citizenship

Status: PENDING

AB 2968: Requires voter registrants to prove age, residence, and citizenship.

South Carolina

Voter ID

Status: PENDING; In Conference Committee

HB 3418: Requires all voters to present valid and current ID before voting, including state identification issued by the Dept. of Motor Vehicles, passport, military ID, or voter registration card with photo.

Tennessee

Felon Disenfranchisement

Status: ADOPTED; Awaiting action by governor

HB 969: Requires a person convicted of a felony to pay all fines and court costs before having his or her voting rights restored.

Election Legislation Opportunities in Congress & the States

United States

Paperless Registration/Online

Status: PENDING

HR 1719: Would require states to make online voter registration available to eligible citizens who wish to register or update their information online.

United States

Paperless Registration/Online

Status: PENDING

HR 4449/S 3301: Provides funding for states that choose to implement online voter registration under the condition that the registration is facilitated through an official public Web site.

United States

Restoration of Voting Rights

Status: PENDING

HR 3335/S 1516: Provide the right to vote in any federal election for all eligible citizens unless they are incarcerated at the time of the election. It also requires the state to notify convicted felons of their restored voting rights upon release.

United States

Restoration of Voting Rights

Status: PENDING

HR 3576: Secures the federal voting rights of certain qualified ex-offenders who have served their sentences and are no longer on parole or probation.

Arizona

Youth Voting/Campus Registration

Status: ENACTED

HB 2668: Directs the Arizona Board of Regents to work with the student government of university and community colleges to adopt a plan to increase student voter registration and voter participation

California

Election Day Registration

Status: PENDING; Adopted by Assembly

AB 1531: Provides for same day registration by mail ballots during the early voting period or by provisional ballot if registering on Election Day.

California

Election Day Registration

Status: PENDING; Adopted by Senate

SB 1140: Provides for EDR at one-stop voting locations and allows such registrants to vote by regular ballot

Delaware

Restoration of Voting Rights

Status: PENDING

HB 17: Amends the Delaware Constitution to eliminate the existing five-year waiting period before eligible felons—who have completed all terms of their sentences—may have their voting rights restored.

Delaware

Youth Voting/Preregistration

Status: PENDING; Adopted by House

HB 381: Allows 16-year-olds to register to vote through the Division of Motor Vehicle when they first apply for their driver's license.

Louisiana

Youth Voting/Campus Registration

Status: ADOPTED

HCR 158: Requests the secretary of state to develop and implement an annual educational and instructional presentation concerning voting and voter registration targeted at high school seniors.

Maryland

Youth Voting/Preregistration

Status: ENACTED

HB 217/SB 292: Permits citizens as young as 16 to preregister to vote.

Massachusetts

Youth Voting/Preregistration

Status: PENDING

HB 683: Permits 16.5-year-old citizens to preregister to vote.

Michigan

Youth Voting/Preregistration

Status: PENDING; Adopted by House

HB 426 I: Permit preregistration for 16 and 17-year-old citizens

Michigan

Youth Voting/Preregistration

Status: PENDING; Adopted by House

HB 4337: Permit preregistration for 16 and 17-year-old citizens

New Jersey

Paperless Registration/Online

Status: PENDING

A 229: Provides for online voter registration through the Secretary of State's Web site, authorizing the use of the NJ Motor Vehicle Commission's database to be used in order to approve online applications.

New Jersey

NVRA Agency Registration

Status: PENDING

A 948: Provides citizens who apply for a motor vehicle driver's license from the New Jersey Motor Vehicle Commission with voter registration materials and assistance to register to vote, unless the person specifically declines to so register for any reason.

New Jersey

Restoration of Voting Rights

Status: PENDING

A 877, A 1015, and SB 557: Amend state election law to permit probationers and parolees to register and vote.

New Mexico

Youth Voting/Student Poll Worker Program

Status: ENACTED

HB 127: Allows 16- and 17-years-old citizens to be appointed to precinct boards under the direct supervision of the presiding judge of a precinct.

New York

Deceptive Practices

Status: PENDING; Adopted by Senate

A 9250/SB 2554: Makes it a misdemeanor to knowingly prevent or deter another person from exercising his or her right to vote by communicating deceptive information which is known to be false.

New York

Restoration of Voting Rights

Status: PENDING

SB 1264/A 3375: Requires convicted felons to be notified of their voting rights and provided with voter registration materials at least 30 days before their release from correctional institutions.

New York

Youth Voting/Student Poll Worker Program

Status: PENDING

SB 1837: Allows any full-time college student in New York to serve as an election inspector if the student speaks and reads English; is not running for office; and is registered to vote.

New York

Youth Voting

Status: PENDING; Adopted by Senate

A 811/SB 1872: Promotes both campus registration and the preregistration of any person who is at least 17-years-old.

New York

Youth Voting/Student Poll Worker Program

Status: ENACTED

A 4467: Permits high school students who are at least 17-years-old to serve as election inspectors or poll clerks at elections under the election or education law.

New York

Restoration of Voting Rights

Status: PENDING

SB 7546: Relates to allowing parolees the right to register for and vote in any election.

New York

Election Day Registration

Status: PENDING

A 5257/SB 5059: Allows an eligible citizen to register and vote at any election after providing proof of residence.

Pennsylvania

Youth Voting/Preregistration

Status: PENDING

HB 259: Permits persons who will be 18 years of age or older on the day of a general election to register and vote in the corresponding primary election.

Pennsylvania

Restoration of Voting Rights

Status: PENDING

HB 1072: Provides inmates who are released from state correctional institutions with voter registration materials.

Pennsylvania

Deceptive Practices

Status: PENDING

HB 2269: Prohibits the purposeful disbursement of false information regarding an election or a person's voter eligibility with the intent to deter or discourage voting.

Pennsylvania

Election Day Registration

Status: PENDING

HB 2373: Allows for Election Day Registration if the registrant provides sufficient proof of residence and government issued ID. It would allow the registrant to vote by provisional ballot.

Partisan Control of Legislatures & Governor's Offices 2009

Democratic Legislature and Governor

Arkansas	New Mexico
Colorado	New York
Delaware	North Carolina
Illinois	Oregon
Iowa	Washington
Maine	West Virginia
Maryland	Wisconsin
Massachusetts	
New Hampshire	

Divided Legislature, Democratic Governor

Kentucky	Montana
Michigan	Ohio
Missouri	Pennsylvania

Republican Legislature, Democratic Governor

Kansas	Tennessee
Oklahoma	Wyoming

Republican Legislature and Governor

Arizona	South Dakota
Florida	South Carolina
Idaho	Texas
North Dakota	Utah

Divided Legislature, Republican Governor

Alaska	Indiana
Georgia	Virginia

Democratic Legislature and Republican Governor

Alabama	Mississippi
California	Nevada
Connecticut	New Jersey
Hawaii	Rhode Island
Louisiana	Vermont
Minnesota	

Unicameral Legislature and Republican Governor

Nebraska

Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure that our constituencies can register, vote, and cast ballots that count.

Disclaimer

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