



## Research Memo

Ballot Box 2011

# Election Legislation 2011: Threats and Opportunities Assessment Update

by Erin Ferns Lee

In November 2010, some newly elected officials feverishly promised to focus on election administration issues at the legislative level, undoubtedly in preparation for the 2012 presidential election. These promises, deeply rooted in partisan politics, have already created a circus of activity in many state legislatures across the country as policymakers flood state houses with bills to restrict voter registration and voting activity, limiting the opportunity to push constructive election reforms that would actually improve voter access.

Voter ID has been a mainstay in election legislation debates for years, but 2011 proves to be a pivotal year for the issue. Since January, more than 30 states have introduced bills to require all voters to present valid, photographic, government-issued identification before casting a ballot on Election Day. By late February, in five states, at least one chamber had adopted such legislation. Many more bills are progressing, but not without massive public outcry, as exhibited in Minnesota, Missouri, North Carolina, and Wisconsin.

Measures to limit or restrict voter registration access, particularly voter registration drive activity, have risen to prominence at a level unseen in recent years. Also gaining traction are regressive bills to stifle, limit, or overturn progressive election laws in some states, including Election Day Registration and early voting.

While these regressive bills are dominating floor debates and news headlines, some state legislatures are quietly moving forward with progressive reforms to bring voter registration into the 21st century.

Positive election reform debates focus particularly on modernizing voter registration (e.g. online voter registration, which appears to be back after a relatively unsuccessful 2010 legislative session); integrating youth in the democratic process; and convenience voting measures. The latter is gaining most traction in the form of "voting centers," which are arguably less about convenience for voters and more for the convenience of budget-strapped state governments.

This year, Project Vote is monitoring election legislation in 50 state legislatures and the U.S. Congress. This memo assesses both the threats and opportunities represented by election reforms that have gained significant support in state legislatures in 2011, based on discussion with state-based advocates, recent media coverage, and the partisan makeup of the legislatures and state election directors.

# Threats to Voting Rights

## Voter ID

Voter ID is the leading election reform debate in several states. By the end of March, 31 states had filed or introduced strict photo ID bills; state legislatures in Iowa, Missouri, Montana, Tennessee, and Texas had adopted legislation in at least one chamber; and fights were mounting in Wisconsin and North Carolina. Last fall, the voter fraud scare was used to refuel the demand for voter ID (and, in some cases, gain Republican seats) in Colorado, Iowa, Kansas, New Hampshire, New Mexico, North Carolina, Texas, and Wisconsin. All of these states have considered the issue at some point in the 2011 legislative session.

Texas elected officials—including rumored presidential hopeful Governor Rick Perry—have made voter ID one of the top issues to tackle this session, introducing a whopping 14 voter ID bills this session, and developing a new House committee to ponder these bills, the Republican-dominated and aptly titled “House Select Committee on Voter ID and Voter Fraud.”<sup>i</sup> Senate Bill 14 is the only one to gain significant traction.

This session, Project Vote has actively opposed bills in Missouri, Montana, and Pennsylvania. In Missouri, Project Vote has been working alongside voters, advocates, and other national groups to oppose the oppressive and costly legislation, which is similar to a law that was struck down as unconstitutional in 2006. Senate Bill 3 was amended to include restrictions on voter registration drive activity and was adopted on February 17. It is pending in the House.

On February 22, Wisconsin Republicans used Democratic senators' boycott of Governor Scott Walker's "budget-repair plan" over a labor conflict to propel its Voter ID bill, SB 6. The bill was significantly amended in committee, ironically without the vote of Sen. Jon Erpenbach (D-Middleton), who was denied the courtesy of a phone-in vote according to a *Milwaukee Journal Sentinel* report.

"Do you want the headline to be, 'Republicans won't let Democrats vote,' even though we've allowed that many, many times?" Erpenbach said.<sup>ii</sup>

The bill now awaits a third reading on the Senate floor.

On March 14, North Carolina Republicans introduced a long-awaited voter ID bill that already had strong resistance from voters and advocates, particularly the state's student population.<sup>iii</sup> In states with close battles, coalitions of voters have consistently questioned the need for voter ID—which has been estimated to cost as much as \$20 million in some states—in the face of serious budget deficits.<sup>iv</sup>

- **Alabama – HB 19:** This bill limits acceptable voter verification documents to state- or government-issued photo ID. Absentee voters must also provide a copy of ID. The bill requires the Department of Public Safety to provide free photo ID to anyone who will be 18 years of age at the next scheduled election. It was adopted by the House on March 22.
- **Alaska – HB 162:** This bill requires all voters to present valid and current photo ID before voting, including one of the following: Alaska driver's license, state ID, passport, government-issued employee ID card, student ID, military ID, or tribal ID. Free voter photo ID would be available by application to those who do not have acceptable identification.
- **Arkansas – HB 1797:** This bill requires all voters to present government-issued, current and valid, photographic proof of identity before voting. Voters casting ballots by mail must submit copies of documentary proof of identity, though utility bills, bank statements, government checks, or paychecks would also be accepted. Residents of licensed nursing homes or residential care facilities would only be required to provide documentation from the administrator of the facility, attesting that the person is a resident of the facility. If a voter is unable to provide proof of identity, he will be permitted to cast a provisional ballot. The ballot will only be counted if the voter returns to the county board of election commissioners by noon on the Monday following the election, providing proof of identity or executing an affidavit stating that he cannot prove his identity because he is indigent or has a religious objection to being photographed. The bill directs the secretary of state to provide for the issuance of a free voter ID

card for anyone who does not have a valid Arkansas driver's license and will be at least 18-years-old by the next general election.

- **Iowa – HB 95/SB 142:** This bill requires voters to present current and valid government-issued photographic proof of identity before casting a ballot. If the ID does not contain a current address, the person may present a rental lease, property tax statement, utility bill, bank statement, pay check, or government document. If a voter refuses to show proof of ID, then he should be allowed to complete an affidavit. The House adopted HB 95 on January 27. The companion bills are currently in the Senate State Government Committee.
- **Kansas – HB 2067:** This bill relates to the verification of voters who cast in-person or advance ballots; citizenship requirements for voter registration; and "Motor Voter" voter registration provisions. Voters casting a ballot in person must present valid ID that shows name and photograph of the voter, including driver's license, handgun license, state ID, U.S. passport, employee ID, military ID, student ID, and public assistance card. Advance ballot applicants must provide a current and valid Kansas driver's license or state ID number or a copy of any one of the following: driver's license from any state in the United States; a government issued ID, handgun license, passport, employee badge, military ID, student ID, public assistance ID. It requires county election officials to verify the signature of anyone requesting an advance voting ballot. If the signature does not match, that person would be contacted and offered another opportunity to provide their signature for identity verification purposes. If the person is not reached, the county election officer may send the voter a provisional ballot, but the ballot will not be counted until the signature is verified. This bill provides free ID for anyone over the age of 17 for the purpose of meeting the voter identification requirements. The bill requires all mail voter applicants to provide evidence of United States citizenship, including a photocopy of a driver's license or non-driver's license that indicates citizenship status; birth certificate; passport; naturalization documents; among other government documents. If the applicant is a citizen, but does not have documentary proof, the applicant may submit any evidence that he or she believes demonstrates citizenship status. The state election board would give the applicant the opportunity for a hearing and an opportunity to present any additional evidence to prove citizenship. The state board may determine whether the person provided satisfactory evidence. If not, the applicant is allowed to appeal such determination. Proof of citizenship requirements would not become effective until January 1, 2013. The bill further requires each Kansas division of motor vehicles driver's license and non-driver ID applications to also serve as voter registration applications "unless the applicant fails to sign the voter registration application." It was adopted by the House in late February and amended and adopted by the Senate on March 23. The bill has been sent to the governor. (See also "Proof of Citizenship.")
- **Maine – HB 176:** This bill requires voters to provide photographic proof of ID in order to vote, and to state their name and address to an election clerk, who "shall announce the name in a loud, clear voice." It directs the secretary of state to determine which ID is appropriate. It was reported out of the Joint Committee on Veterans and Legal Affairs on March 4.<sup>v</sup>
- **Minnesota – HB 89, HB 210, SB 479, SB 509:** This bill requires all voters to present photo ID before voting, including a valid Minnesota driver's license or state ID, a valid United States passport, valid government ID, or valid tribal ID. If the voter cannot produce sufficient ID, he or she would be allowed to vote provisionally. The voter must then present photo ID to the county auditor or municipal clerk within five days of an election in order for the provisional ballot to count. This bill requires the county auditor to provide at least one location in the county that will accept and issue voter ID cards to registered voters who do not have a valid and current state driver's license or ID card issued by the Dept. of Public Safety. House Bill 89 is pending in the House Ways and Means Committee and HB 210 is in the House State Government Finance Committee. Senate Bill 479 is pending in the Senate Judiciary Policy and Finance Committee and SB 509 is in the Senate Transportation Committee.
- **Missouri – HB 329 and HJR 14:** This bill creates the provision that voters present current and valid photo ID in order to cast a ballot, adding military ID as acceptable. It requires the state to provide at least one

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form of ID at no cost to any eligible voter who does not have required ID. This bill requires the state to provide one early voting center in each district or county. Early voting would start on the second Saturday before an election. It would end the Wednesday preceding Election Day and excludes Sundays. Hours are 9 a.m. to 5 p.m. on weekdays and any four hours period between 9 a.m. and 5 p.m. on Saturday. The bill was recommended "do pass" by the House Rules Committee and is on the House floor.

- **Missouri – SB 3 and SJR 2:** This bill relates to requiring voter ID and restricting voter registration drives. It requires any individual who is not a deputy registrar, and who requests more than 50 voter registration applications, to provide the following information to the state: name, address, mailing address, if they would be paid for canvassing, who will pay them, their affiliated organization, and their signature. States would be required to make training available for any individual who is collecting applications. The bill requires all voters to present valid photographic ID before voting, including non-expired Missouri driver's license, state ID, or military ID. If the voter does not have the required ID due to financial hardship, he may sign an affidavit stating his inability to pay for a birth certificate or supporting documentation required to obtain an ID. The bill requires the state to provide one type of ID at no cost. If there are no funds available, the state will not enforce photo ID. SB 3 was adopted by the Senate on February 17 and SJR 2 is pending in the Senate Ways and Means and Fiscal Oversight Committee.
- **Montana – HB 152:** This bill requires voter applicants who do not have a Montana driver's license to also provide the last four digits of their Social Security number and a copy of photo ID. The bill also limits the state's ID requirement to only photo ID, including state driver's license, state ID, or tribal ID. House Bill 152 was adopted by the House in early February.
- **Nebraska – L 239:** This bill requires voters to present government-issued photographic identification. Acceptable ID includes current driver's license, or state ID, or a document issued by the U.S. that shows the voter's name, photo, and expiration date. Those who do not provide ID may vote provisionally if they present proper ID to the county clerk within 10 days of the election. Additionally, this bill amends state law for first-time voter registrants who must also submit government issued photo ID with their registration cards. Early voters and nursing home residents are exempt from this requirement.
- **North Carolina – HB 351:** This bill requires all voters who wish to cast a ballot in person to present valid, government-issued photo identification before voting. The bill also directs each county board of elections to accept applications for and issue North Carolina voter ID cards. This free ID is only for registered voters who do not have a valid driver's license or state ID.
- **Ohio – HB 159:** This bill requires voters to present valid, government issued photo ID before casting a ballot in person. It allows voters to present driver's licenses or state ID that show former addresses. Voters with a religious objection to being photographed would be allowed to complete an affidavit and cast a provisional ballot. Anyone else who does not have or declines to present photo ID may cast a provisional ballot. The bill includes a free ID provision for an individual who cannot afford to pay for the required ID.
- **Pennsylvania – HB 934:** This bill requires voters to present valid, government issued, photographic proof of identity before voting. It provides free ID from the Dept. of Transportation to any registered elector who has signed an affidavit stating that he or she is unable to obtain ID due to financial reasons.
- **South Carolina – SB 1:** This bill requires all voters who wish to cast a ballot in person to present valid photo ID issued by the Department of Motor Vehicles. Other acceptable ID includes passport, military ID, government-issued employee ID, or a South Carolina voter registration card containing a photo of the voter. An election manager may dispute a person's ID. Such voters, as well as anyone who does not have proper ID, would be allowed to vote a provisional ballot, which would be counted if they bring proper ID to the county board of registration and elections prior to certification of the election. This bill makes DMV-issued ID free to residents who 17 years or older. This bill is in the Senate Judiciary Committee.

- **Tennessee – HB 7, HB 402, and SB 16:** This bill requires all voters to present photographic proof of identity, including driver's license, state ID, U.S. passport, government employee ID, or military photo ID. Voters unable to provide photo ID would be allowed to vote provisionally and must present proof of ID to the administrator of elections on the second business day after the election in order for the provisional ballot to be counted. Voters who are indigent or have a religious objection to being photographed must execute an affidavit of identity. The Senate adopted SB 16, and it was read twice in the House before it was Held on Desk. All bills are pending in the House.
- **Texas – SB 14:** This bill requires all voters to present photographic proof of identification before voting. Acceptable ID includes a valid driver's license; military ID; U.S. citizenship papers; U.S. passport; or license to carry a concealed weapon. Anyone who is indigent or cannot be photographed for religious reasons may vote provisionally. Anyone who does not present ID at the polls may vote provisionally and later present proof of ID to the registrar. The bill further requires the voter registrar of each county to provide notice of the ID requirements. The Senate adopted SB 14 on January 14 and the House adopted the bill on March 24. The bill is in the Senate for concurrence.
- **Wisconsin – SB 6:** This bill requires every eligible voter who wants to register or vote at the polls on Election Day to present current, valid, photographic, government-issued proof of identification. Absentee voter applicants must also submit copies of ID, except military voters. If a voter fails to provide proof of identity, the voter may vote provisionally and would be required to present proof of ID at the office of the clerk or board by 4 p.m. on the Friday following the election in order for the provisional ballot to count. The bill provides for free ID for any United States citizen who will be 18 years of age by the next election. The bill also includes provisions for people who had to surrender their driver's license due to a citation from law enforcement. The Senate adopted SB 6 on February 24.

## Restrictive Voter Registration Reforms

Reforms designed to restrict voter registration access, particularly the ability to conduct voter registration drives, have gained traction this session.

Proof-of-citizenship requirements at registration are subject to debate in many states, though it is a highly controversial subject due to the anti-immigration rhetoric often used to support it and the recent Ninth Circuit decision striking down the proof of citizenship law in Arizona.<sup>vi</sup> It is unclear how far these bills will progress, or how determined policymakers are to push such controversial legislation.

Proof-of-citizenship requirements would also hamper voter registration drive activity, advocates say. In 2010, voter registration efforts were substantially more modest than they were in 2006 and 2008. This year, even less registration activity will occur. However, the bills that are now being considered are overwhelmingly designed to hinder—if not prohibit—paid voter registration drives. Ironically, some of the provisions proposed make it more difficult for drives to prevent or address fraud by their canvassers.

Three bills in Texas would prevent drives from using performance standards as a condition of employment and require canvassers to reside in the jurisdiction for six months and be registered to vote. Illinois is considering a bill that prohibits copies, photocopies, or dissemination of information on the voter application, unless authorized by federal or state law. California has a bill that prohibits paying canvassers per application collected, but includes ambiguous terms that could lead to a more restrictive interpretation.

As a final blow to voter registration access, Election Day Registration (a decades-old progressive policy in 10 states that often exhibit above-average voter turnout) is being challenged in at least two states.

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### *Proof of Citizenship*

- **Colorado – HB 1252:** The bill requires the secretary of state to periodically check the statewide voter registration database against lists maintained by federal and state agencies to determine whether registered electors are citizens of the United States. If there is evidence that a registered elector is not a citizen, the bill requires the secretary of state to notify the registered elector. The registered elector must, within 90 days of receipt of such notice, provide proof of citizenship to the secretary of state. The bill is in the House State, Veterans and Military Affairs Committee.
- **Connecticut – HB 5231:** This bill would require voters to present photo identification and proof of citizenship when they arrive at polling places to vote. It is in the Joint Committee on Government Administration and Elections.
- **Kansas – HB 2067:** This bill relates to the verification of voters who cast in-person or advance ballots; citizenship requirements for voter registration; and "Motor Voter" voter registration provisions. It was adopted by the House in late February and amended and adopted by the Senate on March 23. The bill has been sent to the governor. (See also "Voter ID.")
- **New Hampshire – HB 515:** This bill eliminates the option to confirm citizenship status when registering to vote via affidavit. Voter registrants would be required to present official government documents that indicate identity. This bill also requires the clerk to verify the identity of persons requesting absentee ballots. This bill was retained, though it will remain pending until the 2012 session.
- **Oregon – HB 2804:** This bill requires a first-time voter registrant to supply evidence of citizenship with his or her completed voter registration card, or with the voter registration portion of the application for issuance or renewal of a driver's license or state ID. Acceptable documents include originals or copies of birth certificates, naturalization documents, and valid U.S. passports. Within seven days of receiving the card, a county clerk must mail a written notice to new registrants to indicate whether the person was registered. It is pending in the House Rules Committee.
- **South Carolina – SB 304:** This bill requires a voter registrant to submit proof of citizenship when registering to vote. This bill is currently in the Senate Judiciary Committee.
- **Texas – HB 1338:** This bill requires a voter applicant who has not been "registered to vote in the county continuously since September 1, 2011," to provide documentary proof of United States citizenship. Acceptable documents include birth certificate "or other document prescribed by the secretary of state." This bill is pending in the House Elections Committee.
- **Tennessee – HB 324 and HB 393:** This bill purports to not "contravene the National Voter Registration Act" while requiring voter registration forms to include a sworn statement, attesting to citizenship that would only be processed if submitted with documentary proof of citizenship from the applicant. Satisfactory proof-of-citizenship includes driver's license number (if the agency indicates on the license that the person is a citizen); a legible copy of a birth certificate, passport, or naturalization documents. It is in the House State and Local Government Committee and has been referred to the General Subcommittee.

### *Voter Registration Drive Restrictions*

- **California – SB 205:** This bill prohibits payment on a "per-affidavit" basis to anyone who helps register a person to vote. It is pending in the Senate Appropriations Committee.
- **Illinois – HB 1482:** This bill reduces the transmission period for a deputy registrar to return complete voter registration materials from seven days to two days. It makes it a misdemeanor to copy or disseminate information from a voter registration application. This bill prohibits the State Board of

Elections and the secretary of state from adopting rules that conflict with the rules governing deputy registrars, particularly relating to the two-day period to collect and return a complete voter registration application. This bill is pending in the House Rules Committee.

- **Nevada – AB 82:** This secretary of state-sponsored bill defines "voter registration drive" and sets the rules for running such drives. It requires a person who is organizing a drive to be a state resident; to file a statement of intent with the secretary of state; and to complete a training course offered by the secretary. Organizers may employ people to assist in distributing and collecting voter applications, but may not provide compensation to anyone based on the number of completed applications. They may not knowingly employ people who have been convicted of a felony involving theft, fraud, or dishonesty. This bill requires the organizer to personally deliver applications within 10 days of being signed by the applicant or mailed to the county clerk, postmarked no more than 10 calendar days after the applicant signed the application. Any applications completed within 14 days of the registration deadline must be delivered to the county clerk on the same day that the elector signs the application. This bill prohibits a person employed by a voter registration drive organizer from seeking to influence an applicant's political preference or party registration or be subject to felony punishment. If a person appears to violate any of these provisions, this bill allows the secretary of state to conduct an investigation "and cause the appropriate proceeding to be instituted in the First Judicial District Court," and the violator would be subject to fines as high as \$5,000. It is pending in the Assembly Legislative Operations and Elections.
- **Texas – HB 239:** This bill prohibits voter registration drive operators from compensating employees based on performance, including the implementation of quota standards. It is currently in the House Elections Committee.
- **Texas – HB 1269:** This bill requires anyone serving as a deputy registrar to be registered to vote. It was referred to the House Elections Committee on March 1.
- **Texas – HB 1270:** To be eligible for appointment as a regular deputy registrar under this section, a person must have resided continuously in this state for the six months immediately preceding the date of appointment. It was referred to the House Elections Committee on March 1.

### *Election Day Registration Repeal*

- **Maine – SB 241:** This bill would repeal Election Day Registration in the state and would close registration seven days before Election Day. It also requires voter registrants to present proof of citizenship, as approved by the secretary of state. It is pending in the Joint Committee on Veterans and Legal Affairs. Both houses were in concurrence on March 1.
- **Montana – HB 180:** This bill revokes Montana's Election Day Registration provision and closes voter registration on the Friday before an election. The House adopted HB 180 and it is currently pending on the Senate floor.

### **Early Voting Reduction**

In addition to raising draconian barriers to the franchise, some state lawmakers are trying to reduce or eliminate existing laws that have proven track records for increasing or fostering voter turnout. Just as policymakers in Montana and New Hampshire want to eliminate EDR, a few states are pushing bills to reduce the effectiveness of early voting by shortening early voting periods, implementing vague rules allowing the shutdown of early voting polling places, or denying public disclosure of early voting information.

- **Georgia – HB 92:** This bill reduces the early voting period from 45 days before an election to approximately 21 days, commencing on the fourth Monday before each election, ending the Friday before Election Day. Voting would be conducted during business hours on weekdays, as well as the second

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Saturday before an election from 9 a.m. to 4 p.m. If there are no federal or state candidates on the ballot, Saturday voting hours would not be required. This bill allows counties and municipalities to extend voting hours, if necessary. The House adopted HB 92 on February 23 and is pending on the Senate floor.

- **Illinois – HB 2103:** This bill allows an election authority to determine whether to shut down an early voting polling place due to a weather or public emergency. It is pending in the House Rules Committee.
- **Texas – HB 185:** This bill revises election law to omit information on early voting polling places on voter information notices. It is pending on the House floor.

# Opportunities in Voting Rights

## Progressive Voter Registration Reforms

A number of progressive voter registration reforms have been introduced this session. Online voter registration and paperless registration appear to be gaining more support. In addition, enforcing the National Voter Registration Act (NVRA) and expanding the agencies that offer voter registration appear to be on the rise. Election Day Registration, another progressive legislative mainstay that hasn't been successful in the last two sessions, is being considered in four states.

Support for online voter registration, which was adopted by several states in 2009, seemed to die down in 2010. This session, however, bills are pending in California, Hawaii, Maryland, and Michigan. On February 28, Ohio Secretary of State Jon Husted announced plans to "work closely with legislative leaders and the Governor" to "modernize and improve" election administration in the state. His plans include implementation of online voter registration.<sup>vii</sup>

Paperless registration, which provides for automatic registration or updates through government offices when a citizen applies for or renews government agency services, is pending in Hawaii, Minnesota, and Oregon. An automatic voter registration bill, whereby anyone with a state ID would have their addresses updated automatically when they change information, is pending in Vermont.

In addition to motor vehicle offices and public assistance agencies, the NVRA directs states to designate other public agencies to offer voter registration, such as public universities or libraries. Bills to monitor or expand compliance with the NVRA are pending in Massachusetts and New York. The Oregon House is also considering an unusual bill to monitor compliance with the NVRA at any designated agency. This legislation could be beneficial in ensuring that applications are provided to low-income citizens at public assistance offices.

### Online Registration

- **California – AB 1357 and SB 397:** Under existing law—and once the state complies with the requirement to maintain a statewide voter registration database under the Help America Vote Act of 2002—an eligible citizen who has a valid state ID may submit a voter registration application electronically, via the secretary of state's Web site. These bills authorize county election officials to develop their own online voter registration Web sites in the interim. Provisions under these bills would only be effective until the state is in compliance with HAVA. They were introduced in their respective houses in February.
- **Hawaii – HB 545:** This bill requires the state's chief election officer to create an online voter registration Web site. Under this bill, anyone with a Hawaii ID or driver's license would be able to register to vote on the Web site of the office of elections. It was adopted by the House and is pending in the Senate Judiciary and Labor Committee.
- **Michigan – SB 76:** Under this bill, a person may submit an application electronically on the secretary of state's Web site, using his or her most recent digitized signature. If the individual does not have a current state ID card, the application is considered a mail-in application. The bill is currently in the Senate Local Government and Elections Committee.
- **Maryland – HB 740:** This bill allows for an online voter registration system. New registrants must provide a state ID number or Social Security number. Voters updating or changing their information may also use their voter ID number. It was adopted by the House and is pending in the Senate Education, Health, and Environmental Affairs Committee.
- **Nebraska – L 168:** This bill provides online voter registration opportunities for voter applicants who have a valid Nebraska driver's license or state ID. It is pending in the Government, Military and Veterans Affairs Committee.

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### *Paperless Registration at Motor Vehicle Agencies*

- **Hawaii – SB 1111:** This bill provides for the automatic registration of any citizen who is eligible to vote and properly completed an application for a new or renewed driver's license, provisional license, instructional permit, or state identification card. It is currently in the Senate Public Safety, Government Operations, and Military Affairs Committee.
- **Minnesota – HB 510:** Under this bill, a voting-eligible citizen who properly completes an application for a new or renewed Minnesota driver's license, instruction permit, or identification card would also be registered to vote, unless the applicant declines to be registered. It is pending in the House Government Operations and Elections Committee.
- **Oregon – HB 3061 and HB 3062:** These bills provide for the automatic voter registration of any citizen who is at least 17 years of age and applies for issuance or renewal of an Oregon driver's license or state ID, or submits a change-of-address application, unless that person indicates on the application that they decline to register to vote.

### *Automatic Voter Registration*

- **Vermont – HB 357:** This bill would provide for the automatic voter registration of any citizen who is 16 to 18 years of age and in possession of a Vermont driver's license or state identification card. Once the citizen reaches voting age, they will be eligible to cast a ballot without having to register to vote. The bill was introduced on February 28 and is pending in House Government Operations Committee. (See also “Youth Voting.”)

### *NVRA Enforcement and Agency Designation (see also “Youth Voting”)*

- **Massachusetts -- HB 208:** This bill allows for voter registration at public libraries. It is currently in the Joint Committee on Election Laws.
- **New York -- SB 542:** This bill requires all New York colleges, universities, and public high schools to make voter registration applications available to eligible students in the same manner as other designated agencies. Schools, however, would not be required to maintain forms containing an individual's declination to register to vote, as other agencies are required to do. It is currently in the Senate Elections Committee.
- **New York -- AB 813:** This bill would designate the state and city universities of New York as participating agencies for voter registration form distribution and assistance, and permitting independent institutions of higher education to do the same upon request. It is pending in the Assembly Election Law Committee.
- **New York -- AB 1685:** This bill makes the following participating agencies for purposes of agency assisted voter registration: public libraries, local housing authorities, and public high schools. It directs the state board of elections to create rules and regulations for implementation. This bill is pending in the Assembly Election Law Committee.
- **Oregon – HB 2880:** This bill requires every voter registration agency designated by the secretary of state to submit to the secretary a report evaluating the agency's compliance with the National Voter Registration Act. If the agency submits a report that the agency is not in full compliance, the agency must also submit a plan to achieve full compliance within one year. It is pending in the House Rules Committee.

## *Election Day Registration*

- **Arkansas – S 761:** This bill allows an eligible citizen to register to vote on Election Day by completing a voter registration application at the precinct in which the citizen resides, providing proof of name and address. It is pending in the Senate State Agencies and Government Affairs Committee.
- **California – SB 641:** This bill establishes one-stop voting, allowing a person to register to vote and immediately vote on Election Day or during the early voting period. It was referred to the Senate on Elections and Constitutional Amendments.
- **Massachusetts – HB 1106:** This bill establishes Election Day Registration in the state of Massachusetts. It is pending in the Joint Committee of Election Laws.
- **Oregon – HJR 21 and HJR 30:** These proposed amendments to the Oregon Constitution would be submitted to the voters for their approval at the next regular general election to allow citizens to "register to vote in election not less than three calendar days preceding day of election." They are pending in the House Rules Committee.
- **Texas – HB 179:** This bill allows an eligible citizen to register and vote on Election Day if the citizen submits a voter registration application and presents proof of ID. The bill charges the secretary of state with providing the necessary procedure to implement EDR in Texas elections. It is in the House Elections Committee.
- **Texas – HB 416:** This bill would allow eligible citizens to register to vote at polling places during the early voting period after providing photo ID. That person would then be allowed to cast a ballot for the precinct that matches the address disclosed on the picture ID. It is pending in the House Elections Committee.
- **Texas – SB 211:** This bill provides for registration at a polling place during the early voting period. A person would be allowed to show up at the precinct of his or her residence and submit a voter registration application, and proof of residence (driver's license, state ID, utility bill, pay check, etc). The registrant would then be allowed to cast an early mail ballot, in person. It is in the Senate State Affairs Committee.

## **Youth Voting**

Over the years, measures to incorporate young people into the democratic process have increasingly gained interest, especially in relation to voter registration.

Preregistration, a policy that allows citizens under the age of 18 to preregister to vote in order to automatically be eligible to vote on or after their 18<sup>th</sup> birthdays, or whenever state law permits, is now being considered in six states: Arizona, New Jersey, Illinois, Michigan, South Carolina, and Vermont.

Other state legislatures are considering bills to bring voter registration to high school or college campuses. Most notably, Hawaii introduced a bill requiring high schools to provide registration applications to every eligible student. If passed, this law could maximize the effectiveness of the state's existing preregistration law and help enfranchise more young people in the state. New Jersey, home of an unenforced, 25-year-old law to provide eligible high school seniors the right to receive a voter registration form and voter education, is also considering a bill to designate the last week in May of each year as High School Voter Registration Week.<sup>viii</sup> Like Hawaii's bill, this measure could enhance the effectiveness of existing law.

Civic education, poll worker programs, and campus NVRA agency measures are also pending in several states.

## Opportunities in Voting Rights

### *Preregistration*

- **Arizona – HB 2252:** This bill allows any citizen who is at least 16 years of age to preregister to vote. The registrant would not be eligible to vote at an election until they reach the age of 18. This bill is in the House Judiciary Committee and the House Rules Committee.
- **Illinois – SB 1249:** This bill would allow 17-year-old citizens to preregister to vote. They will not be eligible to vote until they turn 18. The bill is in the Senate Committee on Assignments.
- **Michigan – SB 101:** This bill permits 16- and 17-year-old citizens to preregister to vote. It is currently in the State Local Government and Elections Committee.
- **New Jersey – AB 3616 and SB 2727:** These bills would permit 17-year-old citizens to preregister to vote. They would be ineligible to vote until they reach the age of 18. The Assembly bill has been in the Assembly State Government Committee since December 12, 2010 and the Senate bill was filed on February 17.
- **South Carolina – HB 3697:** This bill would allow any citizen to preregister to vote on or after his 16th birthday in order to automatically be permitted to vote on or after his or her 18th birthday. It is pending in the House Judiciary Subcommittee on Election Laws.
- **Vermont – HB 357:** This bill would provide for the automatic voter registration of any citizen who is 16 to 18 years of age and in possession of a Vermont driver's license or state identification card. Once the citizen reaches voting age, they will be eligible to cast a ballot without having to register to vote. The bill was introduced on February 28 and is pending in House Government Operations Committee. (See also "Automatic Voter Registration.")

### *Student Poll Worker Programs*

- **Georgia – SB 101:** This bill requires each local board of education and election superintendent to develop and implement a Student Teen Election Participant (STEP) program. This program would permit public, private, and home-schooled high school students to volunteer to work as poll officers during any primary, special, or general election. To qualify, the student must be a United States citizen; have a Georgia state ID or driver's license; have demonstrated "age-appropriate academic ability for the previous school year"; and "have a history of responsible school and community behavior." The bill was adopted by the Senate and is pending in the House Governmental Affairs Committee.
- **New York – SB 543:** This bill authorizes full-time college students to act as election inspectors and poll clerks in the election district where their colleges are located. It is currently in the Senate Elections Committee.

### *Campus Voter Registration*

- **Hawaii – HB 452:** This bill amends election law to guarantee a citizen's right to vote in any primary, general, or special election in the state. It requires every high school to provide voter registration forms to its students who are qualified to register before graduation. It further requires all colleges and universities to provide voter registration forms to their students during course registration. The House bill is currently in the House Committees on Education, Higher Education, Judiciary, and Finance and the Senate bill is in the Senate Judiciary and Labor Committee.
- **New Jersey – SJR 15:** This joint resolution designates the last week in May of each year as High School Voter Registration Week in order to encourage greater civic participation among the State's young adult population. It is currently pending in the Senate Education Committee.

- **New York – AB 813:** This bill would designate the state and city universities of New York as participating agencies for voter registration form distribution and assistance, and permit independent institutions of higher education to do the same upon request. This bill is pending in the Assembly Election Law Committee.
- **New York – AB 1685:** This bill makes the following participating agencies for purposes of agency assisted voter registration: public libraries, local housing authorities, and public high schools. It directs the state board of elections to create rules and regulations for implementation. This bill is pending in the Assembly Election Law Committee.
- **New York – SB 542:** This bill requires all New York colleges, universities, and public high schools to make voter registration applications available to eligible students in the same manner as other designated agencies. Schools, however, would not be required to maintain forms containing an individual's declination to register to vote, as other agencies are required. It is currently in the Senate Elections Committee.

### *Civic Education*

- **Kentucky – HB 192:** This bill would require every secondary school to provide students in the 12th grade information on how to register to vote, how to vote in an election using a ballot, and how to vote using an absentee ballot. A school may provide this information through classroom activities, written materials, electronic communication, Internet resources, participation in mock elections, and other methods identified by the principal after consulting with teachers. The bill was signed by the governor on March 16.
- **South Carolina – SB 547:** This bill adds Section 7-5-275 to the South Carolina code of laws to furnish high school students and released felons with voter registration materials. Under this section, high schools must provide a voter registration card to every 17-year-old citizen. The student would be instructed on the importance of voting and the voting process in a classroom environment or other method approved by the local school district. This bill also provides for the notification of voting rights—in addition to a voter registration card—to every otherwise eligible citizen upon release from incarceration. This bill is pending in the Senate Judiciary Committee. (See also “Restoration of Voting Rights.”)
- **South Dakota – HCR 1011:** This concurrent resolution expresses "support for civic education in public schools in South Dakota" and recognizes March 9, 2011 as Civic Education Day at the state capitol. The Legislature adopted HCR 1011 on February 28.
- **Texas – HB 1351:** This bill would designate the third week of September as "voter education week." The secretary of state would be charged with developing a program that raises awareness about voter registration, upcoming elections, and other voting procedures. The secretary may develop programs for use in public schools, libraries, and colleges. This bill is pending in the House Committee on Elections.

### **Restoration of Voting Rights**

Since 2009, restoration of voting rights for convicted felons has been scrutinized on the state and federal levels for the confusing patchwork of laws governing felons' right to vote across the nation. In an effort to streamline access to voting rights for ex-offenders (and ensure that they may legally vote), lawmakers have introduced policies to automatically restore voting rights upon release or at least notify released felons of their voter eligibility.

Restoration bills were introduced in Georgia and Kentucky. Kentucky currently disenfranchises all ex-offenders, unless pardoned by the governor. The House adopted a bill to restore voting rights upon completion of all terms of the ex-offender's sentence, but it failed upon adjournment.

## Opportunities in Voting Rights

- **Alaska – SB 7:** This bill provides restoration of voting rights upon release from incarceration. It requires the Dept. of Corrections to provide a person written notification of his or her restored right to vote, and the commissioner of corrections must notify the director that the person is entitled to be registered as a voter. It is pending in the Senate Finance Committee.
- **Delaware – HB 9:** This Act is a Constitutional Amendment that eliminates the existing five-year waiting period before eligible felons who have fully discharged their sentences may have their voting rights restored. The bill is in the House Administration Committee.
- **Georgia – HR 72:** This bill proposes an amendment to the Constitution to allow for the restoration of voting rights upon being released from incarceration. It is pending in the House Judiciary Committee.

## Convenience Voting

Convenience voting measures—designed to make voting easier for voters and less expensive to the government—have been on the rise in recent years. Early voting and mail-voting options for all voters were particularly common, despite criticisms that they simply make it easier for habitual voters to vote, rather than increase turnout. The 2008 election exhibited an unprecedented surge in early voting among underrepresented minority and young voters, but it remains to be seen whether no-excuse early voting policies will perpetuate this trend.<sup>ix</sup>

This session, only three states (Kentucky, New York, and South Carolina) introduced no-excuse early voting measures, while Maryland introduced legislation to expand early voting hours and locations.

The most notable trend in convenience voting now focuses more on the convenience for the government. “Voting Centers,” for example, allow election officials to create a countywide polling place that serves thousands of voters, as opposed to smaller precincts distributed throughout the county. These bills have gained traction in several states (and one was adopted in Indiana in February).

“With state and local government budgets as tight as they are, what county wouldn’t want to consolidate its election administration activities, trim personnel costs, and reduce the real estate and hardware needed to run an election? But when a ‘convenience voting’ idea comes up, such as this one, they often forget to ask, ‘Convenient for whom?’” says Project Vote’s director of advocacy, Estelle Rogers, in a February 9 blog post. “While we can sympathize with the financially-strapped election administrators trying to do their jobs, the convenience of voters must be considered paramount.”<sup>x</sup>

## Early Voting

- **Maryland – HB 126:** This bill expands early voting hours to begin the second Thursday through the second Saturday before a regularly scheduled primary or general election during the hours between 10 a.m. and 8 p.m. It is pending in the House Ways and Means Committee.
- **Maryland – HB 436 and SB 443:** This bill sets the number of early voting locations in small counties with a population under 150,000 to at least establish one and no more than three. Currently, such counties are required to establish only one.
- **Missouri – HB 329:** This bill requires the state to provide one early voting center in each district or county. Early voting would start on the second Saturday before an election. It would end the Wednesday preceding Election Day and excludes Sundays. Hours are 9 a.m. to 5 p.m. on weekdays and any four hours period between 9 a.m. and 5 p.m. on Saturday. It includes the provision that voters present current and valid photo ID in order to cast a ballot, adding military ID as acceptable. It requires the state to provide at least one form of ID at no cost to any eligible voter who does not have the required ID. It was reported “do pass” from the House Committee on Rules. (See also “Voter ID.”)

- **Nebraska – L 631:** This bill would allow voter applicants to apply to be on the permanent early voting list. It is currently pending in the Government Military, and Veterans Affairs Legislative Committee.
- **New York – AB 293 and AB 4120:** These bills would provide for early voting in any general, primary, or special election, starting 14 business days before an election and ending on Election Day. They are pending in the Assembly Election Law Committee.
- **New York – AB 5153:** This bill allows qualified voters to cast an early ballot during any general election. They may vote "at locations and on dates and time as designated by the local county board of elections in the presence of an election official." This bill was read once and referred to the Assembly Committee on Election Law.
- **South Carolina – SB 541:** This bill directs the election authority to establish an early voting procedure, allowing any registered voter to cast a ballot during the early voting period at specified voting centers. These centers would allow "duly registered voters of that county" to vote outside their precinct. The early voting period would begin 15 days before an election, ending three days before Election Day. The county board of elections would determine the hours of operation. The bill is pending in the Senate Judiciary Committee.

### *Vote By Mail*

- **California – SB 109:** This bill would authorize a small county with a population of 400,000 or less to conduct an election by all-mail ballot, subject to the same conditions currently imposed on small cities and other eligible entities. It is pending in the Senate Elections and Constitutional Amendments Committee.
- **Hawaii – HB 200:** This bill would establish an election by mail voting system for federal, state, and county primary or special primary elections. It was adopted by the House and is pending in the Senate.
- **Texas – SB 214:** This bill allows a registered voter to vote early by mail if the applicant will be absent from their county of residence on Election Day; is over the age of 65; or has an illness or physical condition that requires assisted living. It also provides rules for voting by mail from jail. It is pending in the Senate State Affairs Committee.

### *Absentee Voting*

- **Connecticut – HJR 9 and HJR 11; SJR 14, SJR 25:** This resolution proposes an amendment to the State Constitution to provide for no excuse absentee voting. They are all pending in the Joint Committee on Government Administration and Elections.
- **Missouri – HB 375 and HB 382:** These bills would allow any registered voter who is eligible to vote in a particular election to do so by absentee ballot without being required to state a reason. They were introduced on January 31 and are pending in the House Elections Committee.
- **New York – AB 5202:** This bill proposes a constitutional amendment to allow a voter to vote absentee without providing a reason or condition. It is currently pending in the Assembly Election Law Committee.
- **Tennessee – SB 597:** This bill would permit any registered Tennessee voter to vote absentee. It is pending in the Senate State and Local Government Committee.

## Opportunities in Voting Rights

### *Vote Centers*

- **Tennessee – SB 771:** This bill creates a pilot project to establish a program that allows the county election commission to combine precincts or polling places within the municipality or establish convenient voting centers for municipal elections in 2011 and 2012, or at a time other than the May primary, regular August election, regular November election or presidential preference primary. For every 25,000 voters, the county election commission should locate at least one voting center.
- **Arizona – HB 2303:** This bill permits the county board of supervisors to authorize the use of voting centers in addition to or in place of designated polling places on Election Day. It was adopted by the House and is pending in the Senate Committee of the Whole.
- **Indiana – SB 32:** This bill would direct an Indiana county to conduct a vote center pilot program. The governor signed SB 32 on February 22 (Public Law No. 1-2011).
- **Utah – HB 130:** This bill authorizes an election officer to operate a voting center. The bill was signed by the governor on March 25.

# Conclusion

The looming 2012 presidential election undoubtedly influenced the flurry of interest in reshaping election administration across the country. Consequently, many of these efforts are rooted in partisan politics rather than designed to make substantial improvements to the system. Voter ID, restrictions on voter registration drives, and even the revocation of existing progressive election policies are all being dramatically fought out on the state level.

But the 2011 legislative sessions have also brought a surprising flurry of legislation addressing the core issue of voter access: voter registration. What's more, young people are increasingly targeted in these efforts. Finally, the outrage that historically underrepresented voters are expressing in response to regressive policies that their representatives are introducing are a promising indicator that voters are more sophisticated about the democratic process, demonstrating the possibility of a positive impact on voting rights in coming years.

## Notes

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- <sup>i</sup> "Aliseda will serve on Voter ID and Voter Fraud committee," Beeville Bee-Picayune, February 18, 2011.
- <sup>ii</sup> Patrick Marley, "Panel backs voter ID; Democrat not allowed to vote by phone," Milwaukee Journal-Sentinel, February 22, 2011.
- <sup>iii</sup> Keith Barber, "Opposition Mounts Against Voter ID Bill," Yes! Weekly, February 23, 2011.
- <sup>iv</sup> "Using HAVA Funds for Photo ID Laws is Not as Simple as it Sounds," Fair Elections Legal Network (blog), FELN, February 16, 2011.
- <sup>v</sup> Steve Mistler, "Voter ID bill slated to advance," Lewiston Sun Journal, March 5, 2011.
- <sup>vi</sup> "Restrictive Voter Registration Law Struck Down in Arizona," Voting Matters (blog), Project Vote, October 26, 2010.
- <sup>vii</sup> "Secretary of State Jon Husted Calls for Elections Reform Legislation," Ohio Secretary of State's Office (press release), February 28, 2011.
- <sup>viii</sup> "Voter Groups Go to Court to Fight for Voting Rights of High School Students in New Jersey," Voting Matters (blog), Project Vote, October 27, 2010.
- <sup>ix</sup> Teresa James, "Early In-Person Voting: Effects on Underrepresented Voters, Voting Turnout, and Election Administration," Project Vote, August 2010.
- <sup>x</sup> Estelle Rogers, "Vote Centers: More Convenient for Voters or the State?," Voting Matters Blog (blog), Project Vote, February 9, 2011.

# Appendix I

## Election Legislation Threats in the States

### Alabama

#### *Voter ID*

Status: Adopted by House

HB 19: Requires state or government issued photo ID to vote in person or by absentee ballot. Dept. of Public Safety must provide free photo ID.

### Alaska

#### *Voter ID*

Status: Pending

H 162: Requires all voters to present valid and current photo ID before voting; provides free voter photo ID to certain voters.

### Arkansas

#### *Voter ID*

Status: Pending

HB 1797: Requires all voters to present government-issued, current, and valid photographic proof of identity before voting.

### California

#### *Voter Registration Drive Restrictions*

Status: Pending

SB 205: Prohibits payment on a per-affidavit basis to anyone who helps register a person to vote.

### Colorado

#### *Citizenship/List Maintenance*

Status: Pending

HB 1252: Requires the secretary of state to periodically check the statewide voter registration database against lists maintained by federal and state agencies to determine whether registered electors are citizens of the United States.

### Connecticut

#### *Citizenship*

Status: Pending

HB 5231: Requires voters to present photo identification and proof of citizenship when voting on Election Day.

### Georgia

#### *Early Voting Reduction*

Status: Adopted by House; Pending in Senate

HB 92: Reduces early voting period from 45 days before an election to approximately 21 days.

### Illinois

#### *Voter Registration Drive Restrictions*

Status: Pending

HB 1482: Reduces transmission period for deputy registrar to return complete voter registration materials from seven days to two days and criminalizes copying information from voter application.

#### *Early Voting Reduction*

Status: Pending

HB 2103: Allows an election authority to determine whether to shut down an early voting polling place due to weather or public emergency.

### Kansas

#### *Voter ID/Citizenship*

Status: Sent to Governor

HB 2067: Relates to the verification of voters who cast in-person or advance ballots; citizenship requirements for voter registration; and "Motor Voter" voter registration provisions.

### Maine

#### *Voter ID*

Status: Pending

HB 176: Requires voters to provide photographic proof of ID in order to vote, state their name and address to an election clerk, who "shall announce the name in a loud, clear voice." It directs the secretary of state to determine which ID is appropriate.

#### *Election Day Registration Day Elimination*

Status: Pending

SB 241: Repeals Election Day Registration in the state and close registration seven days before Election Day.

## Appendix I: Election Legislation Threats in the States

### Minnesota

#### *Voter ID*

Status: Pending

HB 210 and SB 509: Requires all voters to present photo ID before voting. Includes provisions for "voter ID cards" for certain voters.

#### *Voter ID*

Status: Pending

HB 89 and SB 479: Requires all voters to present photo ID before voting. Includes provisions for "voter ID cards" for certain voters.

### Missouri

#### *Voter ID*

Status: Pending

HB 329 and HJR 14: Require voters to present valid, photo ID before voting. Provides free ID to certain voters. Includes early voting provision.

#### *Voter ID*

Status: ADOPTED BY SENATE

SB 3 and SJR 2: Requires photo voter ID and restricts voter registration drives.

### Montana

#### *Voter ID*

Status: ADOPTED BY HOUSE

HB 152: Requires photo voter ID.

#### *Election Day Registration Elimination*

Status: Pending

HB 180: Revokes Election Day Registration provision and closes voter registration on the Friday before Election Day.

### Nebraska

#### *Voter ID*

Status: Pending

L 239: Requires voters to present government-issued photo ID.

### Nevada

#### *Voter Registration Drive Restrictions*

Status: Pending

AB 82: Defines voter registration drives and sets rules for running such drives.

### New Hampshire

#### *Voter ID*

Status: Pending

SB 129 and HB 356: Requires state or government issued photo ID to vote in person on Election Day. Provides free state ID for certain voters.

#### *Citizenship*

Status: Retained until 2012

HB 515: Eliminates option to confirm citizenship status when registering to vote via affidavit and requires registrants to submit official government documents to indicate identity.

### North Carolina

#### *Voter ID*

Status: Pending

HB 351 and SB 342: Requires state or government issued photo ID to vote in person on Election Day. Provides free state ID for certain voters.

### Ohio

#### *Voter ID*

Status: Pending

HB 159: Requires voters to present valid, government-issued photo ID before casting a ballot in person.

### Oregon

#### *Citizenship*

Status: Pending

HB 2804: Requires first-time voter registrant to supply proof of citizenship with voter registration card.

### Pennsylvania

#### *Voter ID*

Status: Pending

HB 934: Requires voters to present valid, government-issued, photographic proof of identity before voting; provides free ID to certain voters.

## Appendix I: Election Legislation Threats in the States

### South Carolina

#### *Voter ID*

Status: Pending

SB 1: Requires all voters to present valid, government-issued photo ID to vote. Allows election managers to dispute a person's ID.

#### *Citizenship*

Status: Pending

SB 304: Requires registrant to submit proof of citizenship to register to vote.

### Tennessee

#### *Voter ID*

Status: Adopted by Senate

SB 16: Requires all voters to present government-issued photo ID before voting. Allows indigent voters to complete affidavit of identity.

#### *Citizenship*

Status: Pending

HB 324 and HB 393: Requires voter registrants to submit proof of citizenship to register to vote.

### Texas

#### *Early Voting Reduction*

Status: Pending

HB 185: Revises election law to omit early voting information on voter information notices.

#### *Voter Registration Drive Restrictions*

Status: Pending

HB 239: Prohibits voter registration drive operators from compensating employees based on performance, including implementation of quota standards.

#### *Voter Registration Drive Restrictions*

Status: Pending

HB 1269: Requires anyone serving as a deputy registrar to be registered to vote.

#### *Voter Registration Drive Restrictions*

Status: Pending

HB 1270: Requires a deputy registrar to be a state resident for the six months preceding the date of appointment.

#### *Citizenship*

Status: Pending

HB 1338: Requires certain voter to provide documentary proof of United States citizenship.

#### *Voter ID*

Status: Adopted by Senate

SB 14: Requires voters to present photo ID, including driver's license, military ID, passport, or license to carry concealed weapon.

### Wisconsin

#### *Voter ID*

Status: Adopted by Senate

SB 6: Requires voters to present valid, government-issued photo ID in order to vote. Absentee voter applicants must also submit copies of required ID. Includes free ID provision.

## Appendix II

# Election Legislation Opportunities in the States

### Alaska

#### *Felon Voting Rights*

Status: Pending

SB 7: Provides restoration of voting rights upon release from incarceration.

### Arizona

#### *Preregistration*

Status: Pending

HB 2252: Allows any citizens who is at least 16 years old to preregister to vote.

#### *Vote Centers*

Status: Adopted by House

HB 2303: Permits the county board of supervisors to authorize the use of voting centers in addition to or in place of designated polling places on Election Day.

### California

#### *Online Voter Registration*

Status: Pending

AB 1357 and SB 397: Authorizes counties to establish online voter registration Web sites until the state is in full compliance with HAVA and is able to implement online voter registration through the secretary of state.

#### *Vote By Mail*

Status: Pending

SB 109: Authorize a small county with a population of 400,000 or less to conduct an election by all-mail ballot, subject to the same conditions currently imposed on small cities and other eligible entities.

#### *Election Day Registration*

Status: Pending

SB 641: Establishes one-stop voting, allowing a person to register to vote and immediately vote on Election Day or during the early voting period

### Connecticut

#### *Absentee Voting*

Status: Pending

HJR 9 and HJR 11; SJR 14, and SJR 25: Propose an amendment to the State Constitution to provide for no excuse absentee voting.

### Delaware

#### *Felon Voting Rights*

Status: Pending

HB 9: Constitutional Amendment that eliminates the existing five-year waiting period before eligible felons who have fully discharged their sentences may have their voting rights restored.

### Georgia

#### *Felon Voting*

Status: Pending

HR 72: Proposes an amendment to the Constitution to allow for the restoration of voting rights upon being released from incarceration.

#### *Student Poll Worker Programs*

Status: Adopted by House

SB 101: Requires each local board of education and election superintendent to develop and implement a Student Teen Election Participant (STEP) program.

### Hawaii

#### *Paperless Registration*

Status: Pending

SB 1111: Provides for the automatic registration of any citizen who is eligible to vote and properly completed an application for a new or renewed driver's license, provisional license, instructional permit, or state ID card.

#### *Vote By Mail*

Status: Adopted by House

HB 200: Establish an election by mail voting system for federal, state, and county primary or special primary elections.

#### *Campus Voter Registration*

Status: Pending

HB 452/SB 672: Amends election law to guarantee a citizen's right to vote in the state; requires every high school to provide voter registration forms to its graduating student; requires all colleges and universities to provide voter registration forms to their students during course registration.

#### *Online Voter Registration*

Status: Adopted by House

HB 545: This bill requires the state's chief election officer to create an online voter registration Web site.

## Appendix II: Election Legislation Opportunities in the States

### Illinois

#### *Preregistration*

Status: Pending

SB 1249: Allows 17-year-old citizens to preregister to vote.

### Indiana

#### *Vote Centers*

Status: Enacted

SB 32: Directs an Indiana county to conduct a vote center pilot program.

### Kentucky

#### *Civic Education*

Status: Signed by Governor

HB 192: Requires every secondary school to provide students in the twelfth grade information on how to register to vote; how to vote in an election using a ballot; and; and how to vote using an absentee ballot.

### Maryland

#### *Online Voter Registration*

Status: Adopted by House

HB 740: Allows for an online voter registration system.

#### *Early Voting*

Status: Pending

HB 5 and HB 126: Expands early voting hours to begin the second Thursday through the second Saturday before a regularly scheduled primary or general election during the hours between 10 a.m. and 8 p.m.

#### *Early Voting*

Status: Pending

HB 436 and SB 443: Sets the number of early voting locations in small counties with a population under 150,000 to at least establish one and no more than three.

### Massachusetts

#### *NVRA Enforcement and Agency Designation*

Status: Pending

HB 208: Allows for voter registration at public libraries.

#### *Election Day Registration*

Status: Pending

HB 1106: Establishes Election Day Registration.

### Michigan

#### *Online Voter Registration*

Status: Pending

SB 76: Allows a person to submit a voter application electronically on the secretary of state's Web site using a recent digitized signature.

#### *Preregistration*

Status: Pending

SB 101: Permits 16- and 17-year-old citizens to preregister to vote.

### Minnesota

#### *Paperless Registration*

Status: Pending

HB 510: Automatically registers to vote anyone who applies for a new or renewed Minnesota driver's license.

#### *Online Voter Registration*

Status: Pending

HB 598: Allows citizens who possess a state ID, driver's license, or learner's permit to register to vote electronically, through a Web site maintained by the secretary of state.

#### *Felon Voting*

Status: Pending

SB 824: This bill requires notices of restoration of civil rights and of possible loss of civil rights.

## Appendix II: Election Legislation Opportunities in the States

### Missouri

#### *Early Voting*

Status: Pending

HB 329: Requires the state to provide one early voting center in each district or county.

#### *Absentee Voting*

Status: Pending

HB 375 and HB 382: Allows any registered voter who is eligible to vote in a particular election to do so by absentee ballot without being required to state a reason.

### Nebraska

#### *Online Voter Registration*

Status: Pending

L 168: Provides online voter registration opportunities for applicants who have a valid Nebraska driver's license or state ID.

#### *Early Voting*

Status: Pending

L 631: Allows voter applicants to apply to be on the permanent early voting list.

### New Jersey

#### *Preregistration*

Status: Pending

AB 3616 and SB 2727: Permits 17-year-old citizens to preregister to vote.

#### *Campus Voter Registration*

Status: Pending

SJR 15: Designates the last week in May of each year as High School Voter Registration Week in order to encourage greater civic participation among the State's young adult population.

### New York

#### *Early Voting*

Status: Pending

AB 293 and AB 4120: Provides for early voting in any general, primary, or special election, starting 14 business days before an election and ending on Election Day.

#### *Campus Registration*

Status: Pending

AB 813: Designate the state and city universities of New York as participating agencies for voter registration form distribution and assistance

#### *Campus Registration*

Status: Pending

AB 1685: Makes the following participating agencies for purposes of agency assisted voter registration: public libraries, local housing authorities, and public high schools.

#### *Early Voting*

Status: Pending

AB 5153: Allows qualified voters to cast a ballot, early, during any general election.

#### *Absentee Voting*

Status: Pending

AB 5202: Proposes a constitutional amendment to allow a voter to vote absentee without providing a reason or condition.

#### *Campus Registration*

Status: Pending

SB 542: Requires all New York colleges, universities, and public high schools to make voter registration applications available to eligible students in the same manner as other designated agencies.

#### *Student Poll Worker Programs*

Status: Pending

SB 543: Authorizes full-time college students to act as election inspectors and poll clerks in the election district where their colleges are located.

### Oregon

#### *NVRA Enforcement and Agency Designation*

Status: Pending

HB 2880: requires every voter registration agency designated by the secretary of state to submit to the secretary a report evaluating the agency's compliance with the National Voter Registration Act.

#### *Election Day Registration*

Status: Pending

HJR 21 and HJR 30: Proposed amendments to the Oregon Constitution would be submitted to the voter's for their approval at the next regular general election to allow citizens to "register to vote in election not later than day of election."

#### *Paperless Registration*

Status: Pending

HB 3061 and HB 3062: Provides for automatic voter registration of any citizen who is at least 17 years of age and applies for issuance or renewal of an Oregon driver's license or state ID.

## Appendix II: Election Legislation Opportunities in the States

### South Carolina

#### *Preregistration*

Status: Pending

HB 3697: Allows any citizen to preregister to vote on or after his or her 16th birthday.

#### *Early Voting*

Status: Pending

SB 541: Directs the election authority to establish an early voting procedure, allowing any registered voter to cast a ballot during the early voting period at specified voting centers.

#### *Civic Education/Felon Voting*

Status: Pending

SB 547: Adds Section 7-5-275 to the South Carolina code of laws to furnish high school students and released felons with voter registration materials.

### South Dakota

#### *Civic Education*

HCR 1011: Concurrent resolution expresses "support for civic education in public schools in South Dakota" and recognizes March 9, 2011 as Civic Education Day at the state capital.

### Tennessee

#### *Absentee Voting*

Status: Pending

SB 597: Permits any registered Tennessee voter to vote absentee.

#### *Vote Centers*

Status: Pending

SB 771: Creates a pilot project to establish a program that allows the county election commission to combine precincts or polling places within the municipality or establish convenient voting centers for municipal elections in 2011 and 2012, or at a time other than the May primary, regular August election, regular November election or presidential preference primary.

### Texas

#### *Election Day Registration*

Status: Pending

HB 179: Allows an eligible citizen to register and vote on Election Day if the citizen submits a voter registration application and presents proof of ID.

#### *Election Day Registration*

Status: Pending

HB 416: Allows eligible citizens to register to vote at polling places during the early voting period after providing photo ID.

#### *Civic Education*

Status: Pending

HB 1351: Would designate the third week of September as "voter education week."

#### *Election Day Registration*

Status: Pending

SB 211: Provides for registration at polling place during the early voting period.

#### *Vote by Mail*

Status: Pending

SB 214: Allows a registered to vote early by mail if the applicant would be absent from their county of residence on Election Day; is over the age of 65; or has a sickness of physical condition that requires assisted living.

### Utah

#### *Vote Centers*

Status: Enacted

HB 130: Authorizes and election officer to operate a voting center.

### Vermont

#### *Automatic Voter Registration/Preregistration*

Status: Pending

HB 357: Provides for the automatic voter registration of any citizen who is 16 to 18 years of age and in possession of a Vermont driver's license or state identification card.

#### *Election Day Registration*

Status: Pending

HB 364: Proposes to allow citizens to register to vote on Election Day.

## Appendix III:

# Partisan Composition of Legislatures and Governor's Offices

### *Democratic Legislature and Governor*

Arkansas  
California  
Connecticut  
Delaware  
Hawaii  
Illinois  
Maryland  
Massachusetts  
Minnesota  
Vermont  
Washington  
West Virginia

### *Divided Legislature, Democratic Governor*

Colorado  
Kentucky  
New York  
Oregon

### *Republican Legislature, Democratic Governor*

Missouri  
New Hampshire  
North Carolina  
South Carolina

### *Republican Legislature and Governor*

Alabama  
Arizona  
Florida  
Georgia  
Idaho  
Indiana  
Kansas  
Maine  
Montana  
North Dakota  
Ohio  
Oklahoma  
Pennsylvania  
South Dakota  
Tennessee  
Texas  
Utah  
Wisconsin  
Wyoming

### *Divided Legislature, Republican Governor*

Alaska  
Iowa  
Louisiana  
Michigan  
Virginia

### *Democratic Legislature, Republican Governor*

Mississippi  
Nevada  
New Jersey  
New Mexico

### *Unicameral Legislature and Republican Governor*

Nebraska

### *Democratic Legislature, Independent Governor*

Rhode Island

# Appendix IV

## State Election Chiefs

### *Republican State Election Chiefs*

Alabama: Beth Chapman  
Arizona: Ken Bennett  
Arkansas: Mark Martin  
Colorado: Scott Gessler  
Florida: Kurt Browning  
Georgia: Brian Kemp  
Idaho: Ben Ysursa  
Indiana: Charlie White  
Iowa: Matt Schulz  
Kansas: Kris Kobach  
Kentucky: Elaine Walker  
Louisiana: Tom Schedler\*  
Michigan: Ruth Johnson  
Mississippi: Delbert Hosemann  
Nebraska: John Gale  
New Jersey: Kim Guadagno  
New Mexico: Dianna Duran  
North Dakota: Alvin "Al" Jaeger  
Ohio: Jon Husted  
Oklahoma: Glenn Coffee  
South Carolina: Mark Hammond  
South Dakota: Jason Gant  
Tennessee: Tre Hargett  
Texas: Esperanza "Hope" Andrade  
Wyoming: Max Maxfield  
Utah: Greg Bell, Lt. Governor  
Washington: Sam Reed

*\*Holds office until Fall 2011, when an election will be held*

### *Democratic State Election Chiefs*

California: Debra Bowen (D)  
Connecticut: Denise Merrill (D)  
Massachusetts: William Galvin (D)  
Minnesota: Mark Ritchie (D)  
Montana: Linda McCulloch (D)  
Nevada: Ross Miller (D)  
North Carolina: Gary Bartlett, director, State Board of Elections  
Oregon: Kate Brown (D)  
Rhode Island: A. Ralph Mollis (D)  
Vermont: Jim Condos (D)  
West Virginia: Natalie Tennant (D)

### *Miscellaneous*

Alaska: Gail Fenumiai, director, Division of Election  
Delaware: Commissioner of Elections, Department of Elections\*\*  
Hawaii: Scott Nago, Chief Election Officer, Office of Elections  
Illinois: Bryan Schneider, chairman of the State Board of Elections, 2009-2011  
Maryland: Linda Lamone, state elections administrator, Maryland State Board of Elections  
New York: State Board of Elections  
Pennsylvania: Carol Aichele, Acting Secretary of the Commonwealth  
Virginia: Jean Cunningham, chairman, State Board of Elections  
Wisconsin: Nathaniel E. Robinson, elections division administrator, Government Accountability Board

*\*\*Unknown, unavailable, or undetermined as of March 2011*

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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