

September 2013

Election Legislation 2013: Legislative Threats and Opportunities

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Introduction

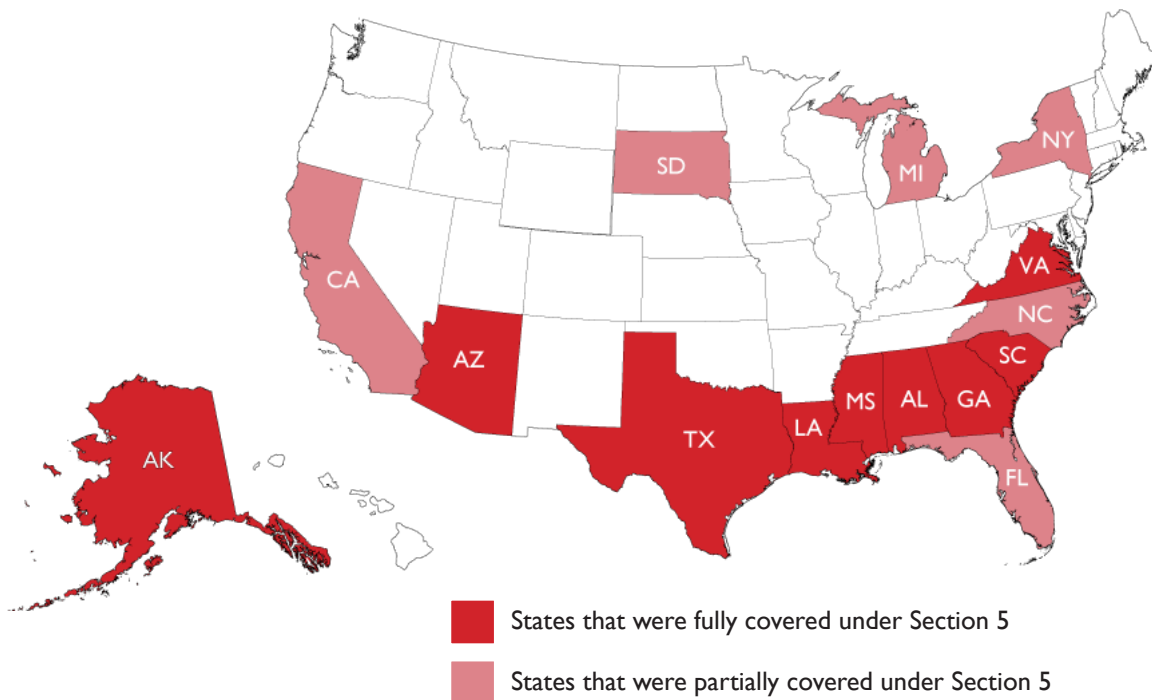
The clash between voters who want to raise their voices at the ballot box and the political forces that want to silence them has entered a new era. A major change in our election system occurred this June, when the United States Supreme Court ruling in *Shelby County v. Holder* effectively gutted the Voting Rights Act of 1965. One of the most important achievements of the civil rights movement, the VRA was enacted to put an end to rampant racial discrimination in election laws and practices. Section 5 required states and jurisdictions with the worst records of voting discrimination to have all their voting changes reviewed by the U.S. Department of Justice or a three-judge federal court to ensure the changes were not discriminatory.

However, in the *Shelby* decision, the Court ruled that the formula used to determine which jurisdictions are covered is unconstitutional. No longer subject to the federal scrutiny the VRA provided, states like North Carolina have already begun passing laws that could have a disastrous impact on minority turnout. And the fight has just begun.

But this current phase in the battle for voting rights actually began in 2008, when historically underrepresented voters turned out to vote in unprecedented numbers. In the wake of that landmark election, lawmakers hurried to pass laws that either further facilitated voter access (such as early voting and online voter registration), or impeded voter access by cutting early voting hours or requiring photo ID to vote. In 2012, citizens faced long lines at the polls, in part because of this labyrinth of voting laws that plagues voters and poll workers alike.

In 2013, lawmakers on either side of the struggle have gone to work. Those who want to limit access to the polls have relentlessly pushed regressive laws through the legislature, aided in some jurisdictions by the Supreme Court's decision to remove a core voting rights protection. North Carolina's notorious new law—passed on

States No Longer Covered Under Section 5 of the Voting Rights Act



the heels of the Supreme Court ruling—encompasses the worst of modern-day voter suppression measures: requiring voter ID, restricting early voting, repealing same-day registration, and revoking policies that increase the participation of younger voters.

Voter registration rules, too, have received attention. The Supreme Court's June 2013 ruling in *Arizona v. Inter Tribal Council of Arizona Inc.* found that federal law supersedes conflicting state requirements, such as Arizona's mandate to provide documentary proof of citizenship to register to vote using the federal registration form. While this ruling affirms the National Voter Registration Act (which was enacted to make voter registration more accessible, particularly at government agencies), proposals to prove citizenship persist in the state legislatures and Congress.

The news, however, is not all bad. Legislators on the state and federal levels have proposed multi-reform bills that would make registering to vote easier and help combat long lines on Election Day. Colorado, in particular, stands out for passing an omnibus, pro-voter bill that includes same-day registration, along with two youth-oriented voter registration bills. Registering to vote electronically, whether online or through government agencies, has also grown in popularity this legislative season, as have efforts to alleviate the broad spectrum of state laws that block citizens with past felony convictions from voting.

Project Vote has monitored election legislation in all 50 state legislatures in session in 2013, as well as in the U.S. Congress. This memo reviews both the threats and opportunities represented by election bills that have been introduced in 2013, based on our bill monitoring project, discussions with state-based advocates, recent media coverage, and the partisan makeup of the legislatures and state election directors.

I. Bills to Restrict Access to Voter Registration

Voter registration is the first step most eligible citizens take to participate in our democracy, making it a prime target for those seeking to limit access to the ballot. Partisans stoke fears of noncitizen voting and voter impersonation in order to impose excessively restrictive voter registration laws in the states.

In 2013, lawmakers proposed to restrict community-based voter registration drives; to require voter applicants to provide citizenship documents with voter registration forms; and to rollback voter-favored policies, such as same-day registration.

Six states (**Illinois, Indiana, Montana, New Mexico, Texas, and Virginia**) proposed bills to block or hinder community-based voter registration drives. These restrictions typically include a number of onerous hoops through which volunteers and canvassers must jump in order to conduct a voter registration drive.

Problematic voter registration bills passed in **Virginia** and **Indiana**. Despite warnings from civil and voting rights groups that the bill could improperly block eligible citizens, Indiana Governor Mike Pence signed omnibus bill SB 519/Public Law 258. The new law particularly affects community-based voter registration drives and promotes voter purging.

“As we’ve seen in other states, these kinds of ill-conceived election procedures all increase the likelihood that eligible voters may be disenfranchised,” said Project Vote Executive Director Michael Slater.¹

A requirement to provide documentary proof of citizenship to register to vote was proposed in eight states this legislative session. **Arizona’s** onerous proof-of-citizenship requirement has both inspired other states to propose similar laws and prompted legal challenges. Arizona’s law, passed in 2004, has stymied voter registration drives and blocked tens of thousands of eligible citizens from the rolls. Early this summer, the United States Supreme Court ruled in *Arizona v. The Inter Tribal Council of Arizona, Inc.* that the federal voter registration form cannot be encumbered with a documentary proof of citizenship requirement. In response, members of Congress introduced bills attacking the NVRA in order to permit states to enact discriminatory, disenfranchising laws.² Bolstering this attack, **Arizona** and **Kansas** have since filed suit to change the federal voter registration form to require documentary proof of citizenship to register to vote.

Some of the states with the highest voter turnout in the nation are also states that allow citizens to register to vote or update their existing registrations on Election Day. Same-day registration (SDR) has been threatened in several states, including **North Carolina, Montana,** and **Wisconsin**, where lawmakers have proposed laws to eliminate or amend SDR policies. North Carolina repealed its SDR law as part of its controversial omnibus bill, HB 589.

Although **Montana** Governor Steve Bullock vetoed a bill to repeal same-day registration (HB 30), the legislature passed another bill (SB 405) to refer the issue to voters in the 2014 election. **Wisconsin** Republicans have threatened to file legislation to roll back the state’s 38-year-old law; however, this effort may have been hampered by the Government Accountability Board’s estimate that it would cost \$14.5 million to end SDR in the state.³

Table 1: Bills to Restrict Access to Voter Registration

Type	Legislature	Bill	Status	Summary
Omnibus Bills Restricting Voter Registration	Indiana	SB 519/ Public Law 258	Enacted	This bill makes several changes to the rules governing voter registration drives; mandates comparison of voter lists with other state databases; and expedites the removal of Indiana voters who later register to vote in other states.
	North Carolina	HB 589/ Chapter SL 2013-381	Enacted	This omnibus bill requires voters to provide photo identification before voting a regular ballot; reduces early voting by one week; repeals same-day registration; and repeals preregistration of 16- and 17-year-old citizens, among other provisions. Those without ID may vote a provisional ballot, but must later show ID to the county board before the convening of the election canvass.
Bills Restricting Voter Registration Drives	Virginia	SB 1008/ Chapter 465	Enacted	This bill requires individuals and groups who obtain 25 or more voter registration applications to: register with the State Board of Elections or local offices; provide information as required by the State Board; receive training; and execute a sworn affidavit that they will abide by all Virginia voter registration laws and rules. The required paperwork and training provisions are unspecified, and give excessive discretion to the State Board of Elections. The bill also prohibits pre-populating registration applications with information unless directed by the applicant to do so. Finally, the bill reduces the time limit for mailing or delivering such completed applications from 15 to 10 days.
Bills to Require Proof of Citizenship to Register	United States	HR 2403	Pending	This bill would amend the National Voter Registration Act of 1993 to permit a state to require additional information from a voter applicant who uses the federal voter registration application as a condition of the state's acceptance of the form.
	United States	HR 2409	Pending	This bill would amend the National Voter Registration Act of 1993 to permit a state to require documentary evidence of citizenship from an applicant for voter registration who uses the federal voter registration application as a condition of the state's acceptance of the form.

Table 1: Bills to Restrict Access to Voter Registration (continued)

Type	Legislature	Bill	Status	Summary
Bills to Require Proof of Citizenship to Register (continued)	United States	S 1336	Pending	This bill would amend the National Voter Registration Act of 1993 to permit States to require proof of citizenship for registration to vote in elections for federal office.
	Massachusetts	HB 589	Pending	This bill requires an applicant for voter registration to prove, to the satisfaction of the clerk or registrar, that he or she is a citizen of the United States. Birth certificate or naturalization papers would be accepted.
Bills Eliminating Same-Day Registration	Montana	HB 30	Vetoed	This bill would remove the option to register and vote on Election Day, and would close voter registration on the Friday before Election Day.
	Montana	SB 405	Enacted	This bill proposes a referendum to remove the option to register and vote on Election Day, and closes voter registration on the Friday before Election Day. The referendum will be on the November 2014 ballot.

2. Bills to Purge the Voter Rolls

Lawmakers can also control who is registered to vote by purging voter rolls. This is typically proposed with the purpose of removing people who are perceived to be ineligible to vote, particularly noncitizens. While ineligible people should obviously be removed from the rolls, this must be done with care and in compliance with federal law.

A new method of purging voter rolls of ineligible voters is crosschecking with the federal Systematic Alien Verification for Entitlements Program (SAVE Program). This method has been criticized for its potential to kick eligible voters off the rolls, due to the fact that the SAVE program uses databases that have not been shown to be current or reliable. Lawmakers in **Colorado** rejected a bill (HB 1050) for this reason.⁴ Moreover, the state's ramped-up investigation of noncitizen voting recently yielded zero prosecutions in Boulder County. "Local governments and county clerks do a really good job regulating the integrity of elections, and I'll stand by that record any day of the week," said Boulder County District Attorney Stan Garnett, after investigating 17 alleged noncitizens named by Secretary of State Scott Gessler. "We don't need state officials sending us on wild goose chases for political reasons."⁵

Virginia also adopted a bill to compare voting lists with the SAVE program (SB 1077). The SAVE program may also be accessed without the necessity of legislation: Iowa Secretary of State Matt Schultz was recently granted access to the SAVE program pursuant to his administrative request.⁶ Schultz's rule is currently facing legal challenges.⁷

Interstate database matching is another potentially unreliable method of list maintenance that runs the risk of causing the unintended disenfranchisement of eligible citizens if it is not implemented carefully and in compliance with federal law. Interstate matching was proposed in six states and adopted in **Virginia** and **Indiana**.⁸ **Ohio's** omnibus SB 175, which includes a beneficial voter registration provision, also features a tricky proposal for interstate data matching that requires the secretary of state to enter into agreements to share information or data with other states for voter list maintenance purposes.

Louisiana lawmakers took another approach to maintain voter rolls, singling out low-income citizens who register to vote at public assistance agencies under the National Voter Registration Act. The new law, HB 341/Act 383, adds a stricter verification procedure for applications from public assistance agencies compared to those received from motor vehicle offices. Unlike applications that are automatically processed through motor vehicles offices, anyone who registers at a public assistance office must verify, by mail, that they intended to register to vote. If the mail is lost or the registrant misses that extra step to get on the voter rolls, that person will not be registered.

Just months before the bill was signed, Louisiana public assistance clients won a major victory in *Scott v. Schedler* against the state for failing to provide meaningful voter registration opportunities to its citizens who receive services from the state's public assistance agencies, as mandated by the NVRA. The new law, however, seems to conflict with the intent of the NVRA, which was passed "to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office" and "to ensure that accurate and current voter registration rolls are maintained."⁹

Table 2: Bills to Purge the Voter Rolls

Type	Legislature	Bill	Status	Summary
Bills to Restrict State Agency Registration	Louisiana	HB 341/ Act 383	Enacted	Among many provisions, this bill provides for the voluntary registration of entities that conduct voter registration drives, and provides that eligibility of applicants who submit applications through public assistance agencies must be processed like voter registration cards delivered by mail, “which procedures include an initial verification mailing.”
Bills to Enact SAVE Program Purges	Virginia	SB 1077/ Chapter 686	Enacted	This bill authorizes the State Board of Elections to apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by the U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security. If the application is approved, the State Board will utilize the SAVE Program for the purposes of verifying that voters listed in the Virginia Voter Registration System are United States citizens and would promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.
Bills to Enact Interstate Database Matching Programs	Virginia	HB 1764/ Chapter 425	Enacted	This bill directs the State Board to cooperate with other states to develop systems to compare voters and registration lists to remove duplicate registration and determine eligibility of individuals to vote.
	Virginia	HB 2022/ Chapter 425	Enacted	This bill directs the State Board of Elections to conduct a pilot program with at least three other states by July 1, 2014, to determine the number of duplicate registrations, and report in September 2014 to the Committees on Privileges and Elections on the number of duplicate registrations discovered and the steps taken by the Board to eliminate duplicate registrations.

3. Bills to Restrict Access to the Ballot

Legislation crafted to block access to the polls has been aggressively pushed in the states ever since previously underrepresented groups—particularly voters of color—made significant gains in the 2008 election. In 2012, many voters, particularly those in communities of color, had to endure unreasonably long lines to cast their ballots.¹⁰ Long wait times can be attributed, at least in part, to an array of new, time-consuming policies—such as the requirement to show photo ID, or the reduction of early voting days—that put a greater burden on polling places on Election Day.

Voter ID continues to be one of the most controversial and pervasive election reforms in the nation. Despite legal challenges—and, until the *Shelby* decision, preclearance denials of some voter ID laws—at least two dozen more state legislatures have considered voter ID bills. Two states, **Tennessee** and **Virginia**, passed laws to add further restrictions to existing voter ID laws by limiting the variety of IDs allowed to vote. Three more states enacted new voter ID laws (**Arkansas**, **North Carolina**, and **North Dakota**), and the threat still looms in states like **Wisconsin**.

North Carolina's omnibus bill, HB 589, is the most controversial election reform measure to pass any state legislature. After the Supreme Court's decision to gut Section 4 of the Voting Rights Act in June (which would have required 40 North Carolina counties to seek federal approval before implementing voting changes due to a history of voting discrimination), the bill was loaded with additional restrictive measures, pushed through the legislature, and signed into law in spite of Governor Pat McCrory's apparent confusion over the bill's provisions.¹¹ In addition to requiring voter ID, the bill reduces early voting by one week, repeals same-day registration, and repeals a preregistration policy that allowed 16- and 17-year-olds to register (but not vote) in advance of their 18th birthdays, among several other provisions.

Although the governor claims voter “integrity” is the key motive behind this new law, challengers question how the new law protects voting as opposed to simply inhibiting it, since hundreds of thousands of voters cast ballots early, utilized same-day registration, or preregistered to vote in recent years.¹² The impact of the law, critics contend, falls disproportionately upon underrepresented voters of color, and the timing of its passage did not go unnoticed. “Forty of one hundred counties in North Carolina were previously covered under Section 4 of the Voting Rights Act, which the Supreme Court invalidated in June, and would have needed to obtain federal approval for their voting changes. That would've been unlikely given the clear evidence of disparate racial impact,” wrote Ari Berman shortly after the law was enacted.¹³ Civil and voting rights groups are challenging the new law in separate lawsuits under Section 2 of the Voting Rights Act, as well as challenging the voter ID provisions on constitutional grounds.

Strict voter ID laws also passed in **Arkansas** and **North Dakota**, but not without raising questions on the necessity of rash election reform. Arkansas Governor Mike Beebe vetoed Senate Bill 2, saying it was unnecessary and costly to the state. The legislature, however, overrode his veto and enacted the bill, which will go into effect in January 2014 or when funding is available.¹⁴ Civil rights and labor groups in North Dakota decried the new law that was incongru-

ous with the state's reputation for above-average election administration and virtually no voter fraud.¹⁵ Democrats in North Dakota called the bill a costly and “unnecessary impediment to voting for young and old alike.”¹⁶

Earlier this year, **Wisconsin** lawmakers introduced voter ID bill AB 225 to replace the state's controversial 2011 voter ID law that is currently under temporary injunction. The voter ID bill, which also proposed to cut back early voting, was amended and currently only offers online voter registration. Although there is currently no threat of voter ID under AB 225, the issue is still debatable in Wisconsin.

In keeping with the new trend of repealing beneficial election reforms that voters have favored for years, lawmakers in several states have proposed cutting back or simply eliminating early voting. This legislative session, six states (**Nebraska, North Carolina, Ohio, South Carolina, Texas, and Wisconsin**) introduced bills to limit early voting and two, Nebraska and North Carolina, adopted new laws. In August, Ohio Representative John Becker filed HB 250 to cut the early voting period in half, effectively ending the “golden week” during which an eligible citizen may register to vote and cast an absentee ballot. Wisconsin lawmakers are also threatening to cut weekend early voting (AB 54).

Table 3: Bills to Restrict Access to the Ballot

Type	Legislature	Bill	Status	Summary
Omnibus Bills Restricting Access to the Ballot	North Carolina	HB 589/ Chapter SL 2013-381	Enacted	This omnibus bill requires voters to provide photo identification before voting a regular ballot; reduces early voting by one week; repeals same-day registration; and repeals preregistration of 16- and 17-year-old citizens, among other provisions. Those without ID may vote a provisional ballot, but must later show ID to the county board before the convening of the election canvass.
Bills to Require Voter ID	Arkansas	Sb 2/Act 595	Enacted	SB 2/Act 595: This bill requires a voter to show current, valid, government-issued, photographic proof of identity in order to vote a regular ballot.
	Massachusetts	SB 339	Pending	This bill would amend election law by requiring voters to show ID at the polls, including a "social security card or any other pre-printed form of identification providing the name and either address, signature, or photograph."
	Massachusetts	HB 3308	Pending	This bill would require voters to present valid government issued photo ID, and, if requested by an election official, appropriate proof of address. Absentee voters must also include a copy of current and valid photo ID with their ballots. Voters who do not show ID may cast a provisional ballot, which will only be counted if the county clerk can verify the voter's eligibility to vote. Absentee ballots submitted without ID would be treated as provisional ballots. Elderly and overseas military voters would be exempt from this requirement. Voters who affirm that they "cannot afford such photo identification" would be "entitled to a waiver of a fee" to obtain government-issued photo ID from the Registry of Motor Vehicles.
	Massachusetts	HB 3593	Pending	This bill would require election officials to request government ID from every voter who shows up at the polls for the purpose of assessing how many voters have ID. Failure to show ID would "not bar an individual from receiving a ballot." The election officer would later "compile all data in regards to individuals unable to display such identification and file a report with the secretary of the commonwealth."

Table 3: Bills to Restrict Access to the Ballot (continued)

Type	Legislature	Bill	Status	Summary
Bills to Require Voter ID (continued)	North Dakota	HB 1332	Enacted	This bill requires voters to show government-issued proof of identification that includes residential address and date of birth, including a driver's license or non-driver's ID card. Voters who do not show ID will not be permitted to vote. ¹⁷
	Tennessee	HB 229/ Chapter 178	Enacted	This bill adds further restrictions on the types of ID that the state deems acceptable for voting purposes. Student ID, out-of-state ID, and library cards will no longer be accepted to vote.
	Virginia	HB 1337/ Chapter 703	Enacted	This bill limits the required voter ID to government-issued, current, and valid photo ID. The bill also adds a valid United States passport to the list of acceptable voter IDs, and requires that a student identification card issued by an institution of higher education in Virginia contain a photograph in order to be used by a voter. Voters without ID must vote by provisional ballot.
	Virginia	HB 9/ Chapter 838	Enacted	This bill amends state election law relating to voter ID to force voters who cannot prove identity to vote by provisional ballot. The voter must submit a copy of one of the required forms of identification to the electoral board in person or by facsimile, electronic mail, or other means by noon of the third day after the election. The bill expands the list of acceptable forms of identification to include a valid student identification card issued by an institution of higher education located in Virginia and certain other documents that show name and address. Any voter whose name is marked on the poll book as having already voted will be allowed to vote only by provisional ballot.
Bills to Restrict Early Voting	Nebraska	LB 271	Enacted	This bill reduces the 35-day early voting period by five days. Early voting is now available 30 days before Election Day.
	Ohio	HB 250	Pending	This bill would reduce the absentee voting period from 35 days before Election Day to 17 days, effectively ending the "Golden Week" during which a voter may register to vote and cast an absentee ballot before the voter registration deadline.
	Wisconsin	AB 54	Pending	This bill would eliminate the opportunity to vote during the early voting period on weekdays after 5 p.m. or on weekends. A proposed substitute amendment would allow voters to request weekend "appointments" to vote early.

4. Bills to Disenfranchise Citizens with Past Felony Convictions

The United States is one of only five democracies in the world that disenfranchise felons even after they have served their sentences.¹⁸ The laws relating to the voting rights of convicted felons vary widely and have a disproportionate impact on communities of color, who are overrepresented in the criminal justice system and historically underrepresented in the American electorate.¹⁹ While there is a rising effort to rectify these regressive policies, at least one state proposed laws to make restoration of voting rights more difficult.

North Carolina lawmakers proposed a bill to force people who have completed their sentences, probation, or parole to wait an additional five years before even being eligible to regain the right to vote. Senator E.S. “Buck” Newton, the bill’s sponsor, claimed that the measure was to force people to prove that they are “upstanding citizens.” Civil rights advocates, noting the state’s disproportionate representation of African-American men in the criminal justice system, said that the bill (SB 721) was racially biased and part of a broader plan to “suppress the Black vote following the re-election of President Barack Obama last year.”²⁰ The bill failed in committee.

Table 4: Bills to Disenfranchise Citizens with Past Felony Convictions

Type	Legislature	Bill	Status	Summary
Bills to Disenfranchise for Past Felony Conviction	North Carolina	SB 721	Failed	This omnibus bill would instate a five-year waiting period to restore voting rights upon completion of sentence, probation, and parole, among other provisions.

5. Bills to Expand Access to Voter Registration

While regressive voting laws make major waves across the nation, legislative support for improving voter access—starting with voter registration—is also rising. In 2013, more than a dozen state legislatures introduced bills to make voter registration available online or at the polls on Election Day. Newer methods of improving voter registration, such as electronic registration through government agencies, are also on the rise.

Over the last few years, online voter registration has become a popular policy to improve state voter registration systems, and has started gaining support from both sides of the political aisle. Fifteen states and the U.S. Congress saw online voter registration bills introduced. Three states enacted new laws, including **Illinois**, **Virginia**, and **West Virginia**.

In **Texas** (HB 2465) and **New Mexico** (HB 497/Chapter 91), online voter registration bills were introduced, but were later amended and enacted to allow voters only to check, and, in the case of New Mexico, update their registration status online.

Ohio's Republican Secretary of State Jon Husted has indicated his support for online voter registration in the state, citing security and cost-benefits.²¹ The issue stalled until this summer, when the Ohio Senate introduced an omnibus bill (SB 175) that couples online voter registration with potentially troublesome list maintenance procedures that purport to give the secretary of state considerable, unchecked discretion for cleaning voter rolls. The bills are currently pending in the legislature.

Wisconsin's online voter registration bill was previously a very restrictive bill relating to voter ID and early voting cutbacks. Although those issues are still a looming threat to Wisconsin voters, online voter registration is now the main feature of Wisconsin's AB 225.

Despite the growing partisan controversy over the issue, same-day registration was proposed in at least 15 states and the **United States Congress**. **Colorado** and **Maryland** enacted SDR laws. The **Nevada** legislature also adopted AB 440, which would have allowed Nevadans to register to vote during the early voting period. Democratic Secretary of State Ross Miller backed the bill in response to the 7,000 people who could not vote in the 2012 presidential election because they registered after the state's registration deadline.²² Republican Governor Brian Sandoval, however, vetoed the bill, claiming that the state gives ample time to participate in the democratic process.²³

Taking traditional voter registration policies like online voter registration and SDR to the next level, lawmakers in **Colorado** and **New York** introduced expansive, beneficial election reform bills. Colorado's bill, which includes SDR among other provisions, was enacted in May 2013. A similar bill in New York, SB 5446, is expected to carry over to the 2014 session.

In our increasingly mobile society, it behooves state governments to make it easier to update voter registration records in time to participate in the democratic process.²⁴ In addition to SDR, state lawmakers have proposed to make voter registration “portable,” in order to allow voters to update their registration status and vote a regular ballot when they move within the

state. Portable voter registration was partially restored in **Florida**. (See “Bills to Reverse Regressive Election Laws.”)

Electronic voter registration via government agencies is another way to easily and efficiently register new voters and update voter rolls. **Oregon’s** HB 3521 received broad support from legislators and civic engagement groups, passing the House and failing by a single vote in the Senate. The bill started a dialogue for future legislative sessions and may be reintroduced in 2014.²⁵

A few states introduced bills to improve implementation of the National Voter Registration Act, particularly relating to the offering of voter registration at motor vehicle offices. Such bills are pending in **California** and **Ohio**.

Table 5: Bills to Expand Access to Voter Registration

Type	Legislature	Bill	Status	Summary
Omnibus Bills to Expand Access to Voter Registration	United States	S 123/ HR 12	Pending	This omnibus bill would “modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.”
	Colorado	HB 1303	Enacted	This bill establishes same-day registration at voting centers. In addition, this bill provides for a mail ballot option for all voters; requires county clerks to establish a minimum number of voter service and polling centers; and reduces the residency requirement to register to vote from 30 days to 22 days. It repeals the category of voter inactivity that is triggered by a voter’s failure to vote and makes all such voters active. This bill creates a commission on voter access and modernized elections to evaluate and implement the bill and assess systems used in the state for voting and registration.
Bills to Enact Online Registration	United States	HR 289	Pending	This bill amends the National Voter Registration Act of 1993 to modernize state voting systems by allowing for increased use of the Internet in voter registration, and for other purposes.
	Illinois	HB 2418/ House Public Act 98-0115	Enacted	This bill was amended to require the State Board of Elections to establish and maintain a system for online voter registration that allows a person to apply to register to vote or update his or her existing voter registration. It also designates public universities as early voting locations.

Table 5: Bills to Expand Access to Voter Registration (continued)

Type	Legislature	Bill	Status	Summary
Bills to Enact Online Registration (continued)	Ohio	HB 78	Pending	This bill would require the secretary of state to create an online voter registration system and to permit data-sharing in order to maintain the statewide voter registration database.
	Ohio	SB 175	Pending	This bill relates to voter list maintenance and voter registration. The bill gives the secretary of state access to state agency databases for the purpose of comparing voter rolls and notifying any questioned voters of their registration status “at any time.” The bill also requires the secretary of state to enter into agreements to share information or data with other states for voter list maintenance purposes. Finally, the bill requires the secretary of state to establish a secure online process for registering to vote or updating registration records. Electronic signatures on file with the Bureau of Motor Vehicles would be used as the applicants’ or voters’ signature on voter registration records. During the period starting 29 days before Election Day (i.e., after the voter registration deadline) and ending on the day of the election, the online voter registration system must display a notice indicating that the applicant would not be registered to vote for the purpose of that election.
	Pennsylvania	SB 37	Pending	This bill would allow voters to register to vote or change party enrollment and update their name or address on a current registration electronically.
	Virginia	HB 2341/ Chapter 520	Enacted	This bill permits eligible citizens to register to vote online by providing a Social Security number and Virginia driver’s license or special identification number for verification purposes.
	Wisconsin	AB 225	Pending	Among several other provisions, this bill would permit voters to register to vote or update existing registration information online if the registrant has a current and valid driver’s license or state ID card. Registrants who have never voted in Wisconsin before must provide proof of residence, which would include a cell phone bill, credit card bill, or statement from a financial institution.
	West Virginia	SB 477/ Chapter 72	Enacted	This bill provides for online voter registration, as developed by the secretary of state. Electronic signatures would be accessed through the Division of Motor Vehicles.
Bills to Enact Same-Day Registration	United States	HR 280/ S 582	Pending	These bills would amend the Help America Vote Act of 2002 to require states to provide for same-day registration.
	Maryland	HB 224/ Chapter 158	Enacted	This bill provides an exception to the voter registration deadline to allow an individual to register to vote or update an existing voter registration address and vote during the early voting period.

Table 5: Bills to Expand Access to Voter Registration (continued)

Type	Legislature	Bill	Status	Summary
Bills to Enact Same-Day Registration (continued)	Massachusetts	HB 579/ SB 314	Pending	This bill would allow an individual who is eligible to vote to register on the day of an election by appearing in person at the polling place, completing a registration application, presenting proof of residency, and by making a written oath of eligible citizenship.
	Nevada	AB 440	Vetoed	This bill would extend the period in which a person may register to vote for primary, primary city, general, and general city elections until the last day of early voting for those elections, which is the Friday before the election. This bill would also allow a person to register to vote by computer after the fifth Sunday before the election. This bill would also extend the period in which a person may register to vote for all elections, except otherwise-specified recall and special elections, until the fourth day before the election.
	Pennsylvania	SR 28	Pending	This bill provides that the Senate direct the Legislative Budget and Finance Committee to conduct a study on the feasibility of adopting early voting or same-day registration (or both) for future elections. The committee must report its findings, conclusions, and recommendations to the Senate no later than November 30, 2013.
	Pennsylvania	HB 178/ SB 364	Pending	This bill provides same-day registration for qualified citizens.
Bills to Improve Compliance with the National Voter Registration Act	California	AB 1122	Enacted	This bill requires the secretary of state to coordinate with the Department of Motor Vehicles to take additional steps to fully implement and comply with Section 1973gg-3 of Title 42 of the National Voter Registration Act.
	Ohio	SB 146	Pending	This bill revises the requirements for the Bureau of Motor Vehicles voter registration program. The bill requires deputy registrars at the Bureau of Motor Vehicles to undergo a training program not more than three months after employment and not less than once annually thereafter.

6. Bills to Reduce Long Lines on Election Day

A voter favorite since 2008, early voting is still a leading election reform issue that is now credited with helping to alleviate long lines on Election Day. Twenty-one states introduced bills to enact or expand early voting hours in 2013.

Despite long lines and chaos on Election Day 2012 due to Hurricane Sandy, **New Jersey** Governor Chris Christie confused lawmakers and advocates when he vetoed early voting bill SB 2364 on the grounds that it was too “costly” and “counterproductive.” (His estimate was \$25 million).²⁶ Claiming Christie’s veto was nothing more than partisan politics, state Democrats unsuccessfully attempted to override it.²⁷ Christie later called for a special election for U.S. Senate to be held on October 16 prior to the November state general election, a move which is estimated to cost taxpayers \$24 million, but vetoed a bill (AB 4249) to allow voters to vote on the same day for both the special election and the races and questions on the general election ballot only weeks later.²⁸

Bills to address long lines are pending on the federal level, while **California** and **Oregon** filed bills in support of federal voting standards.

Table 6: Bills to Reduce Long Lines on Election Day

Type	Legislature	Bill	Status	Summary
Bills to Establish Early Voting	Idaho	HB 107	Enacted	This bill allows counties that offer absentee voting, have access to the statewide voter registration system, and count ballots at a central location to also conduct early voting. Under this bill, early voting would begin on or before the third Monday before the election and end at 5:00 p.m. on the Friday before the election.
	New Jersey	SB 2364	Vetoed	This bill would establish early voting in New Jersey, starting on the fifth Monday before Election Day and ending on the second calendar day before the election. Early voting would be available Monday through Saturday from 10 a.m. to 8 p.m., and on Sunday from 10 a.m. to 6 p.m.
	New Jersey	AB 4249	Vetoed	This bill would establish the “Elections Integrity Act.” It requires the opportunity to vote early on October 16, 2013 for both the general and the U.S. Senate vacancy elections.
	Pennsylvania	SB 900	Pending	This bill requires the county board of each county to provide for early voting, beginning 15 days before Election Day and ending the day before Election Day. The county board must give notice of early voting via newspaper and Web site not earlier than 15 days nor later than nine days before each November election.
Bills to Establish Standards or Incentives to Reduce Long Lines	United States	S HR 97/ S 85	Pending	The “Fair, Accurate, Secure, and Timely Voting Act” provides “incentives for states to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.”
	United States	S 58	Pending	The “Lines Interfere with National Elections Act of 2013” would “amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote,” and establish standards for the minimum number of voting systems, poll workers, and early voting days.
	California	SJR 6	Pending	This measure would proclaim the Legislature’s support for the federal Lines Interfere with National Elections Act of 2013, and urge the United States Congress to promptly pass the Act and President Barack Obama to sign it.

7. Bills to Reverse Regressive Election Laws

Fighting back against voter suppression laws is a fairly new focus among state and federal lawmakers. Legislation to reverse regressive bills has been gaining ground since 2012.

Florida was a prime example of how restrictive voting laws could affect voters. In 2011, the legislature passed a law to cut back permanent portable voter registration and reduce early voting hours, among other provisions. In 2012, voters endured notoriously long lines and sparked a national debate on election administration.

In 2013, Florida lawmakers went back to work to reverse the damage of the 2011 law. The new law, HB 7013/Chapter 2013-57, underwent several amendments before it was finally enacted to restore some of the lost early voting hours. Additionally, the bill allows (but does not require) election supervisors to schedule early voting on Sunday, a previously popular time for community voter mobilization. While this is a positive step forward, it relies heavily on the enthusiasm of election supervisors to provide early voting where and to the extent it is needed. The bill partially restores the pre-2011 portable registration policy, which allowed citizens registered in the state to update their address and vote a regular (not provisional) ballot on Election Day. Voters will be able to update their registration, but many will still be forced to vote by provisional ballot, which tends to take more time to vote and to process, and is much less likely to be counted.²⁹

Lawmakers in a few states with strict voter ID laws on the books considered bills to repeal or reduce the negative impact that these laws have on voters. After much deliberation, **New Hampshire** succeeded in passing a bill to allow for the use of student ID for voting purposes and to exempt elderly voters from having to present ID to vote, among other provisions. A spokesperson for Governor Maggie Hassan said that although she believes the state's voter ID law was "misguided and should be fully repealed," she appreciated that the Legislature reached a compromise to "prevent long lines at the polls and alleviate confusion about permissible forms of identification."³⁰

Indiana, **South Carolina**, and **Tennessee** also introduced bills to help expand the list of acceptable voter identification. **Kansas** lawmakers proposed a bill to allow voters to sign an affidavit in lieu of presenting photo ID (HB 2260). None of these bills passed. In fact, Tennessee lawmakers instead opted to pass a bill to make the state's voting law more restrictive by removing options for voter identification, including student IDs and library cards, from being accepted at the polls.

The **Rhode Island** House introduced a bill to repeal voter ID. It was amended to simply "freeze" the existing law and passed out of the House committee. The bill, however, failed upon adjournment (HB 5776).³¹

Lawmakers attempted to repeal restrictive proof-of-citizenship requirements at registration in **Arizona** (HB 2412) and **Kansas** (HB 2038, HB 2281, SB 33). None of these bills gained traction.

In light of the Supreme Court ruling in *Arizona v. Inter Tribal Council of Arizona*, Kansas Democrats attempted to repeal the state’s citizenship law during the September special session on the grounds that it is “unconstitutional.” The bills, HB 2001/SB 1, failed. This year alone, the Kansas law blocked 15,000 voter applicants from the rolls.³²

Table 7: Bills to Reverse Regressive Election Laws

Type	Legislature	Bill	Status	Summary
Bills to Repeal or Reduce the Impact of Strict Voter ID Laws	United States	HR 281	Pending	This bill would prohibit election officials from requiring individuals to provide photo identification as a condition of obtaining or casting a ballot in an election for federal office or registering to vote in elections for federal office.
	Michigan	HB 4938	Pending	This bill would expand the state’s list of accepted forms of voter ID.
	New Hampshire	HB 595/ Chapter 278	Enacted	This bill amends the 2012 voter ID law to allow for the use of student ID and to allow voters over 65 to use expired ID for voting purposes.
	Pennsylvania	SB 69	Pending	This bill expands the list of accepted voter ID for voters who have not been issued a current and valid driver’s license or Social Security number. Such voters may present an ID that shows name and address that matches the registrar’s records, including a pay stub, bank statement, voter registration card, lease, utility bill, credit card bill, mortgage statement, vehicle registration card, armed forces ID, current firearms permit, or any government check.
Bills to Repeal or Reduce the Impact of Proof of Citizenship Laws	Kansas	HB 2001/ SB 1	Failed	This bill would allow voter registrants to sign an affidavit to swear under oath that the applicant is indeed a citizen. This would be allowed in lieu of documented proof.
Bills to Restore Voter Access Laws	Florida	HB 7013/ Chapter 2013-57	Enacted	Among several other provisions, this bill increases the minimum daily number of mandatory early voting hours, and allows the supervisor of elections to offer early voting outside of the mandatory early voting period, at the supervisor’s discretion, on the 15th, 14th, 13th, 12th, 11th, or 2nd day before a state or federal election, for at least 8 hours but not more than 12 hours per day at each site, up to a maximum of 14 days of early voting.

8. Bills to Engage Young Voters

Youth voter engagement in 2013 has zeroed in on the crucial first (and often arduous) step in the democratic process: registering to vote. In fact, facilitating the registration of young citizens appears to be so effective in promoting future civic engagement that lawmakers in states like **North Carolina**, where the legislature was swept by a conservative tide, voted to revoke a law that preregisters young citizens to vote. (See HB 589 under “Bills to Restrict Access to the Ballot.”)

Preregistration laws allow citizens who are not quite of voting age to enroll early so that their voter registration will be automatically effective upon reaching voting age. The policy is gaining popularity, as 13 states introduced bills to enact or enhance preregistration laws during the 2013 legislative session. Campus registration—requiring public high schools or colleges to provide students with the opportunity to register to vote at school—has also gained popularity.

Table 8: Bills to Expand Access to Voter Registration

Type	Legislature	Bill	Status	Summary
Bills to Establish Preregistration	Colorado	HB 1135	Enacted	This bill allows 16- and 17-year-old citizens to preregister to vote at driver's license facilities, or by completing a registration form on a state Web site.
	Michigan	SB 260	Pending	This bill would allow citizens who are from 16 to 17-1/2 years of age to preregister to vote at a secretary of state office. Such citizens must have been issued either a “graduated licensing status” to operate a motor vehicle or an official state personal identification card.
	Ohio	SB 110	Pending	This bill would allow citizens who are at least 16 years of age to preregister to vote. If the person still resides in the same precinct upon reaching voting age, he or she will automatically be enrolled to vote.
Bills to Enact Campus Registration	United States	HR 653	Pending	The Students Voicing Opinions in Today's Elections Act would direct the Election Assistance Commission to carry out a pilot program under which the EAC provides funds to local educational agencies for initiatives to provide voter registration information to secondary school students in the 12th grade.
	Colorado	HB 1147	Enacted	This bill requires a state institution of higher education to provide its new students the opportunity to register to vote.
	Massachusetts	HB 585	Pending	This bill would require public and private colleges, universities, high schools, and vocational schools to provide voter registration forms to students twice annually.

9. Bills to Restore Voting Rights

A dozen states introduced bills to restore the voting rights of people convicted of felonies, particularly those who have already served their sentences. Just as there is a wide range of existing laws that disenfranchise citizens with past felony convictions, the proposals to relax these rules varied widely.

These bills included those to restore voting rights upon release (**Delaware, Georgia, Iowa, Minnesota, New Mexico, Nevada, Virginia, and Wyoming**); to repeal the requirement to pay all fees or fines before restoring voting rights (**Tennessee**); to assist with voter registration (**Colorado, Florida, New York**); or to provide notification of voting rights restoration (**US Congress, Colorado, Minnesota**). The latter is a surprisingly significant issue, as felons who are released from incarceration and unaware of their state's rules may unwittingly register to vote illegally. Such occurrences are often conflated in public policy debates with voter fraud allegations.³³

Delaware enacted the Hazel D. Plant Voter Registration Act, the second leg of a constitutional amendment to remove the five-year waiting period that people with a criminal history are forced to wait before having their voting rights restored. "As Americans we believe in second chances and the right to vote," said Ben Jealous, President and CEO of the NAACP, upon the bill's passage in April.

Table 9: Bills to Restore Voting Rights

Type	Legislature	Bill	Status	Summary
Restoration of Voting Rights	United States	HR 12/ S 123	Pending	The Voter Empowerment Act requires states to provide notification of voting rights to any individual who has been convicted of criminal offense, among other provisions.
	Delaware	HB 10	Enacted	This Act is the second leg of a Constitutional Amendment to eliminate the existing five-year waiting period before eligible felons who have fully discharged their sentences may have their voting rights restored.
Voter Registration Opportunities for People Convicted of Felonies	California	AB 149	Pending	This bill would require county probation departments to provide specified voting rights information to inmates, by either posting a link to the secretary of state's voting rights guide for incarcerated persons on the county probation department's Web site, or posting a notice with the Internet address that contains the secretary of state's voting rights guide for incarcerated persons in each probation office where probationers are seen.
	Colorado	HB 1038	Enacted	This bill requires the Dept. of Human Services' division of youth corrections to facilitate the voter registration and voting of individuals who are confined to a juvenile facility and who will be 18 years of age or older on the date of the next election.

Conclusion

Now that the United States Supreme Court has effectively paralyzed the vital preclearance protections of the Voting Rights Act, it is up to American voters to hold lawmakers accountable to preserve and protect the right to vote.

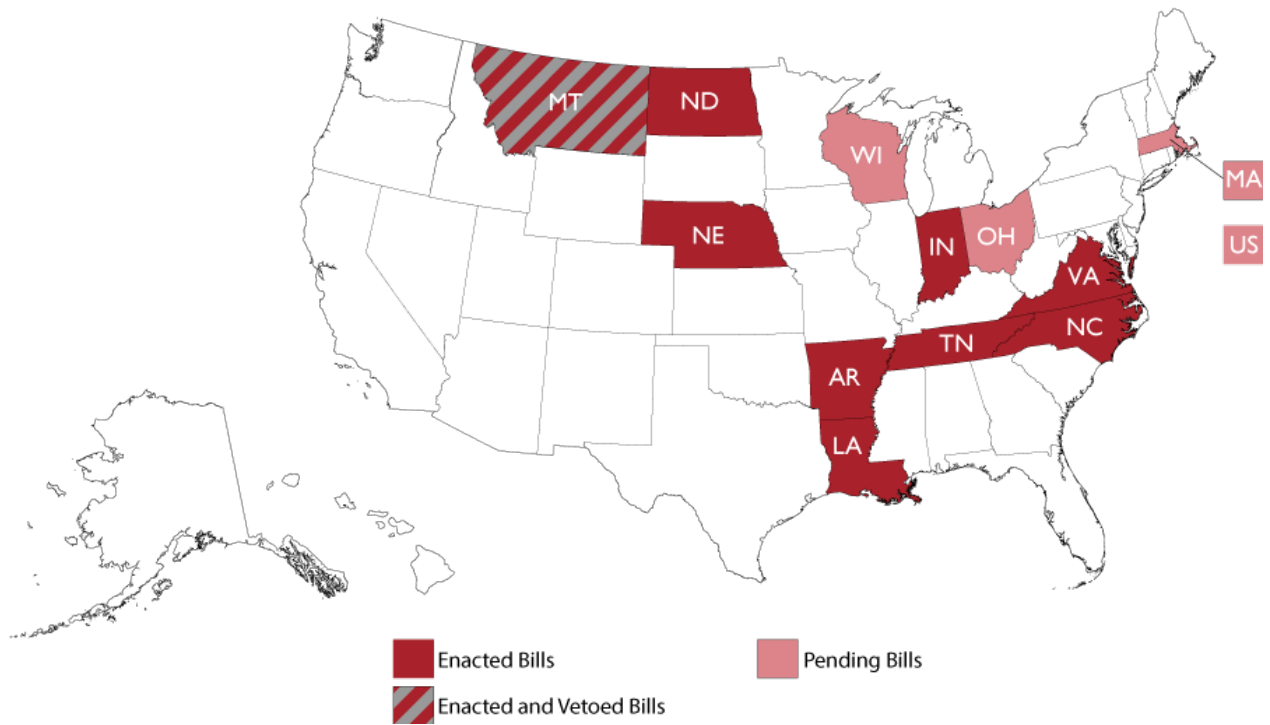
From Supreme Court justices to North Carolina's Moral Monday protesters, everyone has a stake in the history that is being made to define the American right to vote. Despite several setbacks, lawmakers are still proposing positive reforms that improve voting access—including, in all likelihood, bipartisan legislation to restore preclearance as a federal remedy.

We hope that this spotlight on voting rights legislation not only helps us ensure that we have free and fair elections, but also provides a new focus on bringing our election system into the 21st century, to the benefit of our democracy as a whole.

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Appendix I: Maps of Election Legislation by State, 2013

Restrictive Election Legislation, 2013



Beneficial Election Legislation, 2013

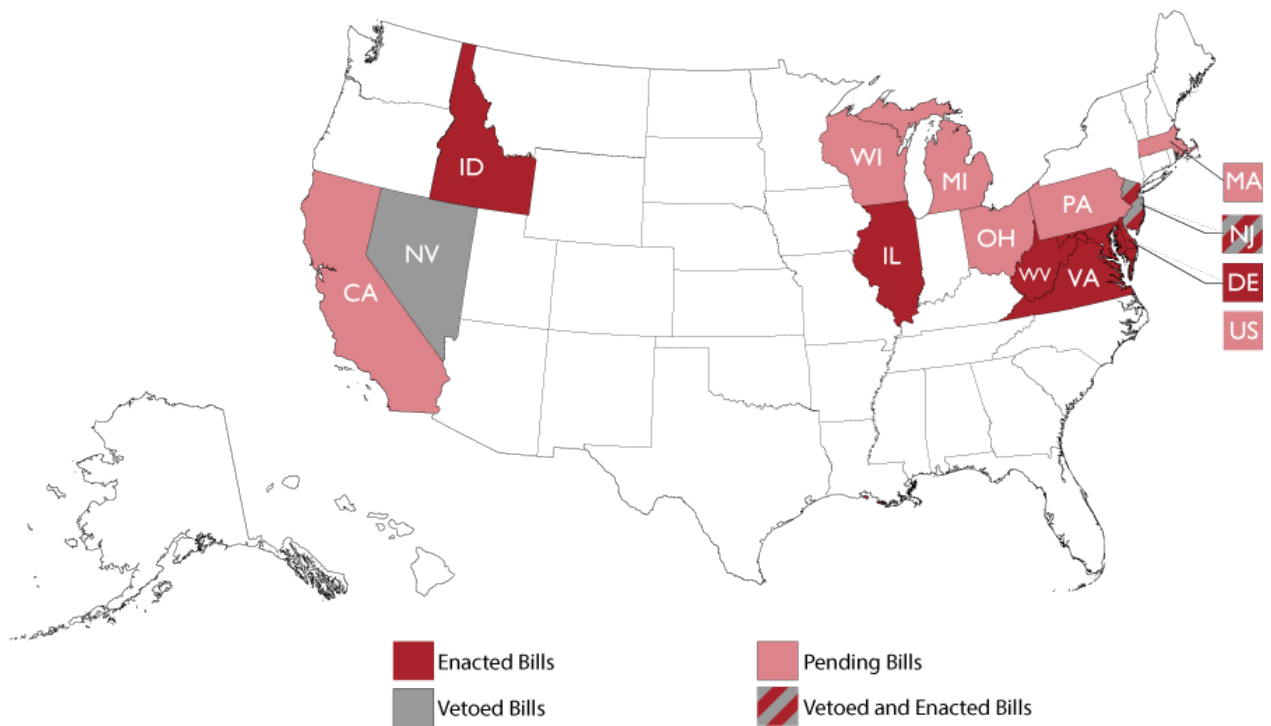


Table 10: Restrictive Election Legislation by State, 2013

Legislature	Bill	Subject	Status	See Page...
US Congress	HR 2403	Proof of Citizenship	Pending	4
	HR 2409	Proof of Citizenship	Pending	4
	S 1336	Proof of Citizenship	Pending	5
Arkansas	SB 2/Act 595	Voter ID	Enacted	10
Indiana	SB 519/Public Law 258	Omnibus	Enacted	4
Louisiana	HB 341/Act 383	Restrictions on State Agency Registration	Enacted	7
Massachusetts	HB 3308	Voter ID	Pending	10
	HB 3593	Voter ID	Pending	10
	HB 589	Proof of Citizenship	Pending	5
	SB 339	Voter ID	Pending	10
Montana	HB 30	Elimination of Same-Day Registration	Vetoed	5
	SB 405	Elimination of Same-Day Registration	Enacted	5
Nebraska	LB 271	Restrictions on Early Voting	Enacted	11
North Carolina	HB 589/Chapter SL 2013-381	Omnibus	Enacted	4, 10
	SB 721	Felon Disenfranchisement	Failed	12
North Dakota	HB 1332	Voter ID	Enacted	11
Ohio	HB 250	Restrictions on Early Voting	Pending	11
Tennessee	HB 229/Chapter 178	Voter ID	Enacted	11
Virginia	HB 9/Chapter 838	Voter ID	Enacted	11
	HB 1337/Chapter 703	Voter ID	Enacted	11
	HB 1764/Chapter 425	Interstate Matching Programs	Enacted	7
	HB 2022/Chapter 435	Interstate Matching Programs	Enacted	7
	SB 1008/Chapter 465	Restricting Voter Registration Drives	Enacted	4
	SB 1077/Chapter 686	SAVE Program Purges	Enacted	7
Wisconsin	AB 54	Restrictions on Early Voting	Pending	11

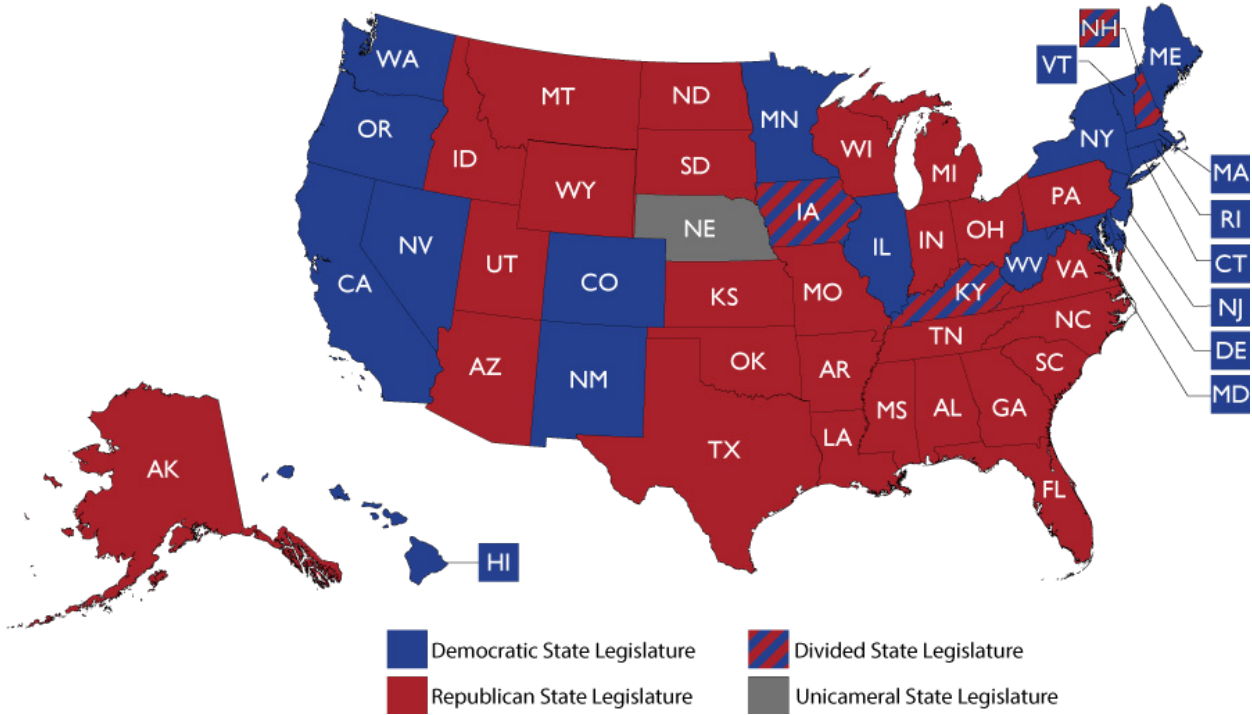
Table 11: Beneficial Election Legislation by State, 2013

Legislature	Bill	Subject	Status	See Page...
US Congress	HR 12/S 123	Online Registration/Restoration of Rights	Pending	14, 21
	HR 97/S 85	Establishing Federal Standards or Incentives	Pending	17
	HR 281	Repealing or Reducing Impact of Voter ID	Pending	19
	HR 280	Same Day Registration	Pending	15
	HR 289	Online Voter Registration	Pending	14
	HR 653	Campus Registration	Pending	20
	S 58	Establishing Federal Standards or Incentives	Pending	17
California	AB 149	Voter Registration for Former Felons	Pending	21
	AB 1122	Improving Compliance with NVRA	Enacted	16
	SJR 6	Establishing Federal Standards or Incentives	Pending	17
Colorado	HB 1038	Voter Registration for Former Felons	Enacted	21
	HB 1135	Preregistration	Enacted	20
	HB 1147	Campus Registration	Enacted	20
	HB 1303	Omnibus	Enacted	14
Delaware	HB 10	Restoration of Voting Rights	Enacted	21
Florida	HB 7013/Chapter 2013-57	Restoring Voter Access Laws	Enacted	19
Idaho	HB 107	Early Voting	Enacted	17
Illinois	HB 2418/Public Act 98-0115	Online Voter Registration	Enacted	14
Kansas	HB 2001/SB 1	Reducing Impact of Proof of Citizenship Laws	Failed	19
Maryland	HB 224/Chapter 158	Same Day Registration	Enacted	15
Massachusetts	HB 579/SB 314	Same Day Registration	Pending	16
	HB 585	Campus Registration	Pending	20
Michigan	SB 260	Preregistration	Pending	20
	HB 4938	Repealing or Reducing Impact of Voter ID Laws	Pending	19
Nevada	AB 440	Same Day Registration	Vetoed	16
New Hampshire	HB 595/Chapter 278	Repealing or Reducing Impact of Voter ID Laws	Enacted	19
New Jersey	SB 2364	Early Voting	Vetoed	17
	AB 4249	Early Voting	Enacted	17

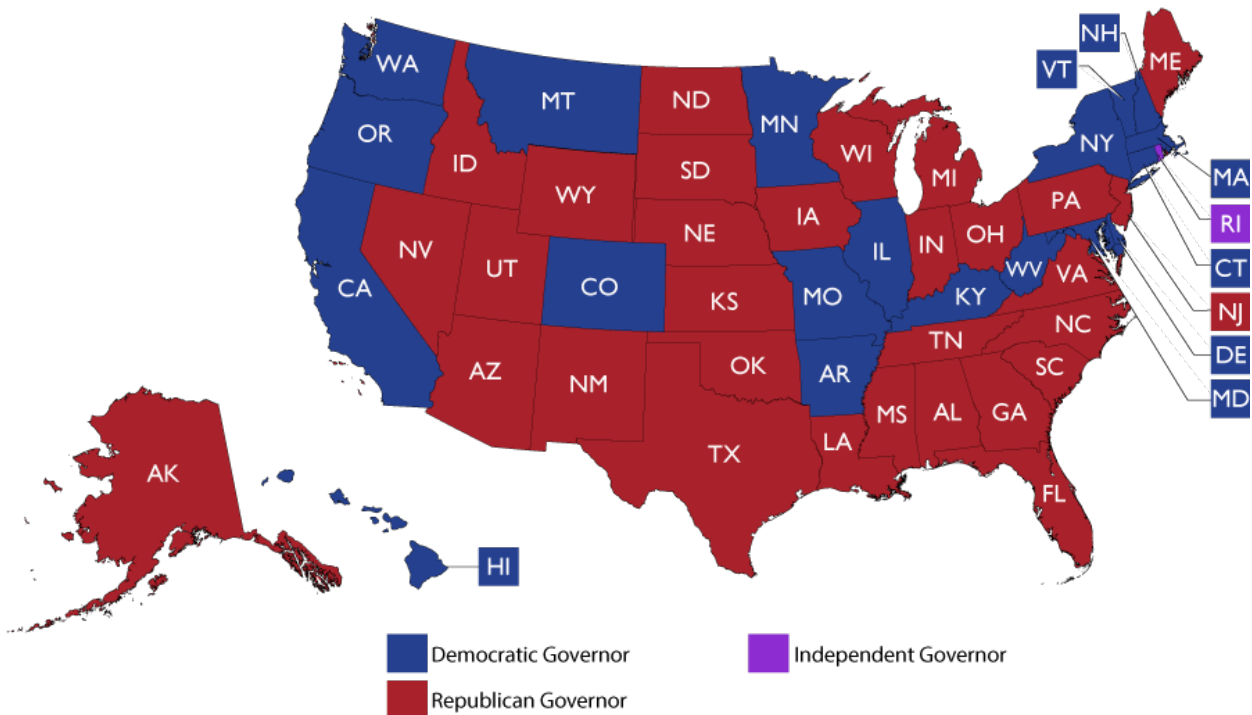
Table 11: Beneficial Election Legislation by State, 2013 (continued)

Legislature	Bill	Subject	Status	See Page...
Ohio	HB 78	Online Voter Registration	Pending	15
	SB 110	Preregistration	Pending	20
	SB 146	Improving Compliance with NVRA	Pending	16
	SB 175	Online Voter Registration	Pending	15
Pennsylvania	HB 178/SB 364	Same Day Registration	Pending	16
	SR 28	Same Day Registration	Pending	16
	SB 37	Online Voter Registration	Pending	15
	SB 69	Repealing or Reducing the Impact of Voter ID	Pending	19
	SB 900	Early Voting	Pending	17
Virginia	HB 2341/Chapter 520	Online Voter Registration	Enacted	15
Wisconsin	AB 225	Online Voter Registration	Pending	15
West Virginia	SB 477/Chapter 72	Online Voter Registration	Enacted	15

Partisan Control of State Legislatures, 2013



Partisan Control of Governor's Offices, 2013



Republican Secretaries of State and Election Chiefs

Alabama: Beth Chapman
Alaska: Mead Treadwell, Lt. Governor
Arizona: Ken Bennett
Arkansas: Mark Martin
Colorado: Scott Gessler
Florida: Ken Detzner
Georgia: Brian Kemp
Idaho: Ben Ysursa
Indiana: Connie Lawson
Iowa: Matt Schultz
Kansas: Kris Kobach
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
Pennsylvania: Carol Aichele
South Carolina: Mark Hammond
South Dakota: Jason Gant
Tennessee: Tre Hargett
Texas: John Steen
Utah: Greg Bell, Lt. Governor
Virginia: Janet Vestal Kelly
Washington: Kim Wyman
Wyoming: Max Maxfield

Democratic Secretaries of State and Election Chiefs

California: Debra Bowen
Connecticut: Denise Merrill
Kentucky: Alison Lundergan Grimes
Maine: Matthew Dunlap
Massachusetts: William Galvin
Minnesota: Mark Ritchie
Missouri: Jason Kander
Montana: Linda McCulloch
Nevada: Ross Miller
New Hampshire: Joseph Foster, Attorney General
Oregon: Kate Brown
Rhode Island: A. Ralph Mollis
Vermont: James Condos
West Virginia: Natalie Tennant
Wisconsin: Douglas La Follette

Miscellaneous

Delaware: Elaine Manlove, Commissioner of Elections, Department of Elections
Hawaii: Scott Nago, Chief Election Officer, Office of Elections
Illinois: William McGuffage, Chairman, State Board of Elections
Maryland: Bobbie Mack, Chairman, State Board of Elections
New York: Todd Valentine and Robert Brehm, Co-Directors, State Board of Elections
North Carolina: Kim Westbrook Strach, Executive Director, State Board of Elections
Oklahoma: Paul Ziriax, Secretary of the State Election Board



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www.projectvote.org

About Project Vote

Project Vote is a national nonpartisan, non-profit 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.

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