

**March 16, 2010****To:** Interested Parties**From:** Erin Ferns**Re: Election Legislation 2010:  
Threats & Opportunities Assessment Update**

Voter turnout in 2008 showed an increase among underrepresented groups, including racial minorities and young people. Following the fanfare of the 2008 election, lawmakers responded in 2009 with the introduction of high profile election reform bills to battle over in the legislatures, such as voter ID and early voting. The 2010 sessions, however, are bringing more under-the-radar changes to election administration. While there does seem to be a focus on improving access to voter registration—particularly through preregistration of younger citizens, online voter registration, and campus registration—there is also a quiet but potentially viable series of bills designed to weaken current voter access laws (e.g. Election Day Registration), or to make already-existing exclusions even more restrictive (e.g. felon disenfranchisement).

This year, Project Vote is monitoring election bills in 45 states (36 were in session at the time of writing) and distributing weekly emails featuring hot button election issues. This memo assesses both the threats and opportunities represented by emerging election reforms that have been enacted or are gaining significant traction in the legislatures. We also assess the viability of pending bills in states that are still in session, based on discussions with state-based advocates, recent media coverage, and composition of the legislature.

## Threats to Voting Rights

### Voter ID

Though voter ID has gained a reputation as one of the most contentious and polarizing election reform issues in the last decade, heated public debates and court cases have spawned new variations on this theme in the state legislatures. This new crop of bills includes proof-of-citizenship requirements (at registration as well as at the polling place); state-issued photo ID; and absentee voter ID. The latter may be inspired by a September 2009—decision by the Indiana Court of Appeals, which struck down the state's notoriously strict photo ID law as unconstitutional for, among other reasons, exempting absentee voters from the state's voter ID requirement. However, an appeal on that decision was heard on March 4 in the Indiana Supreme Court. We await the Court's decision. Indiana has since introduced at least one bill to extend photo ID requirements to absentee voters (SB 91), though the bill has yet to be voted out of committee.

## Threats to Voting Rights

- **Alabama – HB 227:** This bill requires all voters to present current, government-issued photo ID before voting in person. Absentee voters must provide a copy of required ID and are allowed one free photocopy “at any absentee election manager’s office or any [Alabama] courthouse.” Voters living at state-licensed facilities would be permitted to present a wider range of voter ID, including Medicare and Social Security cards.

The House Constitution and Elections Committee approved the bill on an 8-3 vote.

- **Idaho – HB 496:** After a failed attempt in 2009, the Idaho legislature has successfully introduced another photo ID bill, this time with an amendment to allow voters to sign an affidavit if they do not present current and valid photo ID before casting a ballot in person. Acceptable ID includes driver’s license, passport, tribal ID, or student ID. The amended bill was adopted by the Idaho House in late February with a 64-6 vote, mostly along party lines in the Republican-dominated legislature.
- **Maryland – SB 711:** This bill, introduced and referred to the Senate Education, Health & Environmental Affairs Committee in early February, would require voters to prove identity with current, valid, government-issued photo ID. If a voter does not provide acceptable proof of identity, or indicates that he or she has changed residence, a provisional ballot would be offered. This bill also makes it a misdemeanor to vote under a false ID.
- **Mississippi:** A contentious issue in the state, photo ID was once again proposed in the legislature in 2010 and, as predicted, failed. However, state Republicans claim this issue is far from dead. In 2009, Republican elected officials and the state Republican Party expressed plans to circumvent the legislature by putting voter ID on a statewide ballot for voters to decide. In February 2010, state Republican Chairman Brad White announced that their effort to collect enough signatures to put voter ID on the 2011 statewide ballot is underway.

“A lot of people after the last legislative session said voter ID is dead,” White told the *Associated Press*. “This is proof it’s obviously not.”<sup>1</sup>

- **Missouri – HJR 64:** The Missouri House’s proposed constitutional amendment to require all voters to present photographic proof of identity has emerged yet again. Similar measures were narrowly defeated in 2008 and 2009, thanks to strong resistance from opponents and voting rights advocates. Last year, Secretary of State Robin Carnahan issued a study that found 230,000 Missourians would potentially be disenfranchised if a strict voter ID law were to pass.

The first version of the 2010 bill exempted physically disabled and elderly voters, as well as those who cannot provide photo ID for religious reasons. It was amended during a February 4 hearing by bill sponsor, Representative Stanley Cox (R-Sedalia) to remove enabling language—including the exemptions—and allow the General Assembly to adopt a government issued photo ID requirement if passed by voters. The bill is expected to pass the House.

- **South Carolina – HB 3418:** Though it had been debated and dismissed as partisan politics in the past, voter ID legislation in South Carolina is now close to becoming law. The bill has undergone many amendments, including the addition of an early voting provision, and still needs to be cleared by the state House before going to the governor and the U.S. Department of Justice for final approval.

The bill would require all voters to present valid, government-issued photo ID, including driver’s license, passport, military ID, or employer ID. The deeply partisan issue has lawmakers worried that these requirements would disenfranchise an estimated 178,000 voters who do not have such ID.<sup>2</sup>

## Proof of Citizenship

Proof-of-citizenship measures, unlike most voter ID proposals, have the potential to deter registration as well as voting. After one such bill passed in Georgia last year (a measure that still needs preclearance from the Department of Justice under Section 5 of the Voting Rights Act), introduction of bills requiring proof of citizenship for voter registration seem to have slowed down in 2010.<sup>3</sup>

This session, Virginia and Tennessee were the only states to introduce proof of citizenship bills, proposed in conjunction with a strict photo ID requirement. While Virginia's bills failed, Tennessee appeared to be on a fast track to passing a proof-of-citizenship bill, much to the dismay of local voting and immigrants' rights groups. House Bill 270 ultimately was amended to remove requirements to prove citizenship at registration and identity at the polls and, instead, direct the Department of State to include a warning on mail-in registration cards that indicates falsifying information is a felony. This bill has been adopted by the House.

As for Georgia's 2009 Senate Bill 86, recent correspondence between the U.S. Department of Justice and the state indicate the issue is not over. In 2009, DOJ shut down what it determined to be a discriminatory and inaccurate procedure to verify citizenship of voter registrants. Shortly after the procedure was halted, the governor signed a bill to mandate proof-of-citizenship from voter registrants. In February, DOJ again rejected the verification procedure and reminded state officials that SB 86 still needs preclearance before implementation. In response, Secretary of State Brian Kemp announced the state's intention to "sue the Obama administration after the Justice Department for the third time blocked the state's efforts to check the citizenship of newly registering voters," according to the Associated Press. Kemp said he would ask the U.S. District Court in the District of Columbia to clear both the verification procedure and proof-of-citizenship law (SB 86).<sup>4</sup>

## Felon Disenfranchisement

Last year, election reform discussions relating to felon voting rights tended to lean toward restoration. This year, however, the battle to provide equal civil rights and voter registration assistance for felons who are not in the custody of the state has proven difficult. In 2010 at least five states have introduced legislation to limit access to the franchise for felons and three of these states have potentially viable bills pending. It is worth noting that the following states all have strict felon voting laws intact: Alabama and Tennessee permanently disenfranchise certain felons, and West Virginia only restores voting rights after a felon has completed all terms of his or her sentence, including probation and parole.

- **Alabama – SB 358:** This bill would prohibit the legislature from passing a law to restore the voting rights of felons. The bill is pending in the Senate Judiciary Committee. An opposing bill (see "Restoration"), SB 214, is also pending in the Judiciary Committee.
- **Tennessee – HB 969:** This bill would require a person convicted of a felony to pay all fines and court costs before voting rights could be restored. It was recommended for passage by the House Subcommittee on Budget on March 3.
- **West Virginia – HB 2383:** This bill would prohibit convicted felons from voting in state and local elections. It is pending in the House Judiciary Committee.

### Election Administration

A few states have proposed to alter or limit effective state and federal election laws to make voting less accessible. In particular, states with long-standing Election Day Registration (EDR) laws and above-average voter turnout rates are proposing to limit access to EDR or even create provisions that would launch “voter fraud investigations” based on unreturned voter verification cards. Additionally, a Maryland bill would potentially create violations of the National Voter Registration Act (NVRA).

- **Maryland – HB 1485:** This bill prohibits the Motor Vehicle Administration from offering voter registration (or the updating of an existing registration) to anyone who is unable to provide necessary documentation of his eligibility for a driver’s license, regardless of his or her eligibility for voter registration. This bill would violate the NVRA in several respects. First, since the NVRA requires the application for a driver’s license to serve as a voter registration application, one’s ineligibility for a driver’s license is not a bar to processing the voter registration application, even if the driver’s license application is ultimately rejected. In addition, the MVA is required under this bill to report monthly to the State Administrator of Elections the names and addresses of the individuals denied the opportunity for voter registration under this provision (even if the denial is due to a driving-related issue having nothing to do with eligibility to vote), and the State Administrator must remove any of those names that are on the statewide voter registration list without complying with the NVRA protocol for purging voters, a second obvious NVRA violation. The bill was introduced on March 1 and is in the House Ways and Means Committee.
- **Minnesota – HB 3110/SB 2888:** These bills would amend the current Election Day Registration law, in particular by allowing only those who prove residence (by presenting state ID, driver’s license, or any other documents approved by the secretary of state) to register and vote on Election Day. Currently, voter applicants may use student-related documents or have a voter in the precinct vouch for the applicants’ residence. If a person cannot meet the requirements to prove residence under this bill, he or she will be offered a provisional ballot and would not be registered to vote.

Both bills are pending in their respective committees.

- **New Hampshire – HB 1671:** This bill tightens verification procedures in the state, which has allowed Election Day Registration since the 1970s, and subsequently directs the attorney general to conduct investigations into voter fraud. Specifically, this bill requires Election Day registrants who do not verify their identity with photo ID to return an identity verification form within 30 days. The names of those who do not confirm identity would be referred to the attorney general for investigation into possible voter fraud.

The bill was adopted by the House and is currently on the Senate floor.

# Opportunities in Voting Rights

## Youth Voting

With their heightened voter registration and turnout rates in 2008, young people also appear to be higher on the election reform agenda for lawmakers, particularly in relation to voter registration. Most of this year's legislation focuses on preregistration, voter registration access on high school and college campuses, and voter education.

**Preregistration:** During the 2009-2010 legislative session, a total of 10 states introduced legislation to permit citizens who are not of voting age to "preregister" to vote. So far, two states have enacted preregistration laws, including California's Elections Code 2101 (which passed the legislature in 2009 as AB 30), a measure allowing 17-year-old citizens to preregister to vote, and Rhode Island's Section 1. Chapter 17-9.1 (which was 2009 bills HB 5005/SB 85). In January, the Rhode Island legislature overrode the governor's veto of the bills that extend preregistration opportunities to all 16- and 17-year-old citizens. Three more states, including Arizona, Kansas, and New Hampshire, introduced bills that ultimately failed to make it out of committee. At this time, bills are pending in about five states, though many of them have not been active for significant amounts of time.

- **Maryland – HB 217/SB 292:** Introduced for a third year in a row, these bills would permit citizens as young as 16 to preregister to vote.
- **Massachusetts – HB 683:** This bill would permit 16 ½-year-old citizens to preregister to vote. It has been pending in the Joint Committee on Election Laws since last October.
- **Michigan – HB 4241 and HB 4332:** These bills would permit preregistration for 16- and 17-year-old citizens. Both were adopted by the House last May and are currently pending in the Senate Campaign and Election Oversight Committee.
- **Pennsylvania – HB 259:** This bill permits persons who will be 18 years of age or older on the day of a general election to register and vote in the corresponding primary election. It is expected to be voted upon in the House State Government Committee in early March.
- **Washington – HB 1193:** This bill permits citizens as young as 13 to preregister to vote. They will not be enrolled until 30 days before they reach voting age. Additionally, youth registrants would receive all voter pamphlets and an advisory ballot for statewide and federal elections. The bill was carried over from the 2009 session and reintroduced in January.

**Campus Registration:** Providing students with access to voter registration is another subject that legislators are addressing, though the most emphasis has been placed on college campuses. To date, one bill has been enacted to improve voter registration access to high school seniors in New Jersey. The bill, which was introduced in the 2008-2009 session, requires schools to provide voter registration materials to every graduating senior, and was signed into law in January.

- **Arizona – HB 2668:** This bill directs the Arizona Board of Regents to work with the student government of university and community colleges to adopt a plan to increase student voter registration and voter participation. This includes providing information on voter registration and voting opportunities with admission packets, during orientation. The bill was adopted by the House on March 2.

## Opportunities in Voting Rights

- **Illinois – SB 2925:** Illinois law establishes a ‘grace period’ between the normal close of voter registration and an election, during which individuals can register and vote at certain designated locations. This bill requires election officials to conduct grace period registration, grace period voting, and early voting at public universities and community colleges. Services should be available to any qualified citizen, including faculty and staff.

The bill is expected to have a second reading in the Senate.

**Voter Education:** In addition to ensuring that voter registration is accessible to young people, the following states have considered voter education as an important element in youth voter engagement.

- **Florida – HB 407/SB 534:** This bill provides for a voter education program, requiring each district school board and county supervisor of elections to jointly provide the program for high school students who are eligible to register or preregister to vote. It also requires that such education consist of a mandatory presentation made by the supervisor of elections to public high school students who are eligible to register or preregister to vote. Project Vote is supporting this legislation.
- **Kentucky – HB 212:** This bill requires every secondary school to provide students in the 12th grade with information on how to register to vote, how to use a ballot, and how to vote using an absentee ballot. The bill has been adopted by the House and is now in the Senate Education Committee. Advocates on the ground expect the bill to advance in the legislature.

## Election Day Registration

Election Day Registration policies have existed in several states since the 1970s, and those states boast voter turnout rates that are 10-12 percent above the national average. Though bills are pending in a few states this year, only California’s appears to have a chance of passing.

- **California – AB 1531/SB 1140:** The Assembly bill provides for same-day registration by mail-in ballot during the early voting period or by provisional ballot if registering on Election Day. The Senate version provides for EDR at one-stop voting locations and allows such registrants to vote by regular ballot. The Assembly passed its bill, which was sent to the Senate Elections, Reapportionment and Constitutional Amendments Committee. The Senate bill, which was introduced in late February, is also in that Senate committee.
- **Connecticut – HB 5321:** This bill establishes a pilot program to permit same-day registration for municipal primaries in 2011. It is on the House floor.
- **Illinois – HB 5921:** This bill amends the election code to allow the voter registration period to run through the day of the election or primary. It is scheduled for a hearing in the House Elections and Campaign Reform Committee.
- **Maryland – HB 322:** This bill provides for a statewide ballot measure that would authorize the General Assembly to provide a process to allow a qualified voter to register and vote on Election Day at a specified polling place.

- **Pennsylvania – HB 2210:** This bill would allow for Election Day Registration if the registrant provides government-issued ID and sufficient proof of residence. It would allow the registrant to vote by provisional ballot. The bill is pending in the House State Government Committee.
- **Washington – HB 1798:** This bill, which provides for Election Day Registration, was carried over from the 2009 session and was reintroduced on January 11.

### NVRA Agency Registration

At least two states have introduced legislation to improve access to voter registration under the National Voter Registration Act, which designates public assistance agencies and motor vehicle departments to also serve as voter registration agencies. Since its enactment in 1995, most states' agency registrations have significantly declined, particularly in public assistance agencies.

- **Indiana – HB 1003:** This bill amends the election law to provide voter registration assistance to any citizen who seeks public assistance in person, over the telephone, or through electronic means. It requires that public assistance agencies designate an employee who would help applicants complete a voter registration form, review the form, then submit it to the appropriate county voter registration office. If the applicant applies over the telephone, he or she will be assisted with voter registration online, or be mailed a voter registration form.

The bill was last active on the House floor on January 25 and is not expected to progress.

- **New Jersey – A 948:** This bill would change the way the New Jersey Motor Vehicle Commission conducts voter registration under the NVRA. It would presume that citizens who apply for a driver's license want voter registration materials and assistance with registration, unless the person specifically declines to so register for any reason. The bill was referred to the Assembly State Government Committee on January 12.

### Online Voter Registration

Voter registration is becoming easier and more accessible for voting-eligible citizens in several states through the growing trend of online voter registration. This new election reform, which was adopted by five states last year, has the potential to be a cost-effective method of enfranchising more Americans, especially as applied to the electronic transmission of applications through voter registration agencies under the National Voter Registration Act. Although easier access to voter registration is welcome, most of the bills that were introduced this year rely on signatures provided by the applicant when applying for driver's license or state ID, something that America's least represented citizens are less likely to possess.

A Mississippi bill to study the feasibility of electronic voter registration was adopted by the House, but failed to meet the deadline to pass out of the Senate committee on March 2. Budget issues and the 2011 elections were considered the reasons for the failure of this bill, despite overall support.

- **Alabama – HB 424:** This bill provides for the development of an online voter registration Web site that would be maintained by the secretary of state. It is currently on the House floor.



## Opportunities in Voting Rights

- **Georgia – SB 406:** This bill would provide online voter registration as well as procedures for online voter registration. It was reported favorably by the Senate Elections Committee and is currently on the Senate floor.
- **Hawaii – HB 2406:** This bill directs the secretary of state to develop and maintain an electronic system for voter registration that is available on the Office of Elections' website. The bill is in the House Judiciary Committee.
- **New Jersey – AB 229:** This bill, introduced and referred to the Assembly State Government Committee on January 12, provides for online voter registration through the secretary of state's website, authorizing the use of the NJ Motor Vehicle Commission's database in order to approve online applications. A similar bill was introduced just before the 2008-2009 session adjourned last December.

## Felon Voting Rights

As in the 2009 legislative sessions, efforts to address the wide array of confusing and conflicting felon disenfranchisement laws across the nation have made a splash in the legislatures, but little progress has been made. In light of a Washington ruling that struck down the state's felon disenfranchisement law as racially discriminatory, advocates pushed Virginia Governor Tim Kaine to use his last days in office to re-enfranchise thousands of Virginians who were permanently prevented from voting under the Commonwealth's extreme disenfranchisement law, considered a "relic of the Jim Crow era."<sup>5</sup> Kaine, who was replaced by Republican Governor Bob McDonnell in January, ultimately left office without using his executive power to grant voting rights to these petitioners—the only way they could be re-enfranchised under the law.

- **Alabama – SB 214:** This bill creates the Alabama Restoration of Voting Rights Act, providing automatic restoration of voting rights upon release from incarceration for certain felons. It establishes a definition of "moral turpitude" and creates a list of such disqualifying crimes. The bill retroactively restores the rights of those convicted of crimes of moral turpitude if they were not crimes of treason or impeachment. It makes the Department of Corrections and federal correctional institutions voter registration agencies under the National Voter Registration Act. It is scheduled for a hearing in the Senate Judiciary Committee on March 10.
- **Florida – SB 1434:** This bill proposes an amendment to the state constitution to permit a person who is convicted of a felony to vote, hold public office, or serve on a jury, except while incarcerated for a felony conviction. The bill was introduced and referred to the Senate Ethics and Elections Committee when the state legislature convened on March 2.
- **Kentucky – HB 70:** This bill, which was adopted by the House on February 16, proposes an amendment to the Constitution, providing for the restoration of voting rights for certain felons after completion of all terms of their sentences. Currently, the state permanently disenfranchises all convicted felons, unless their rights are restored by executive pardon. The bill is in the Senate State and Local Government Committee.
- **New Jersey – AB 877, AB 1015, SB 557:** All three bills would amend state election law to permit probationers and parolees to vote. The bill also requires the chief probation officer in each county, the state parole board, and the commissioner of corrections to assist each eligible person under their jurisdiction to complete a voter registration form. All three bills were introduced and referred to committees on January 12.



- **Oklahoma – HB 1350:** This bill would restore voting rights for convicted felons upon completion of all terms of the felon’s sentence, including probation and parole. If the individual is released from supervision early, the individual may not register to vote until his or her original sentence, as handed down by the sentencing judge, expires. If the court has issued a deferred sentence, the person shall be eligible to vote if all other requirements are met. The bill awaits a second reading on the House floor.
- **Virginia – SJR 62:** Although five similar bills failed in the House this year, SJR 63 remains pending in the legislature. This bill would authorize the General Assembly to provide for the restoration of civil rights for individuals convicted of nonviolent felonies who have completed their sentences.

### Provisional Voting

Although the Help America Vote Act of 2002 (HAVA) provided “fail-safe” provisional voting to prevent the unnecessary disenfranchisement of eligible citizens who show up at the polls to find that they are not on the rolls, there are still thousands of voters whose ballots are not being counted. A few state legislatures have introduced and adopted bills to make the distribution and counting of provisional ballots more uniform.

- **Delaware – HB 245:** This bill was signed by the governor on February 1. It specifies the minimum number of provisional ballots that must be provided at polling places, in relation to the number of voting machines in each election district. Each election district must have at least 10 blank provisional ballots. Districts with three voting machines must have a minimum of 20 blank provisional ballots, and those with four or more assigned voting machines must have a minimum of 30 blank provisional ballots.
- **Nebraska – LB 325:** This bill was signed by the governor on February 11. It requires the election commissioner or county clerk to assess when a provisional ballot shall be required and implement the policy regarding designation of ballots uniformly throughout the county. The bill further provides that an error or omission on a voter registration application does not necessitate a provisional ballot if the information is elsewhere on the application or is not necessary to determine voter eligibility.
- **Rhode Island – HB 7381/SB 2298:** This bill expands the provisions for counting provisional ballots. A provisional ballot cast in the correct precinct would be fully counted; one cast in the correct city or congressional district (but not the correct precinct) would count for federal, state, and city wide elections; one cast by a person outside of the city or congressional district may only be counted in those elections for which the voter is qualified to vote.

This bill also outlines provisions for first-time voters who register to vote by mail without providing sufficient identifying information under HAVA. This allows a first-time voter to present sufficient ID within 48 hours of the closing of the polls in order to have his or her ballot counted.

Both bills are pending in committee.

### Convenience Voting

Election reforms to make the voting process more “convenient” for the voter are still common in the legislatures. Early voting, for example, was popular in 2009 as many voters voted ahead of Election Day in the 2008 presidential election. This session, few states introduced early voting bills, though we continue to see the trend of combining

## Opportunities in Voting Rights

early voting with voter ID in an attempt to garner support for the polarizing partisan issue. (See South Carolina's HB 3418 under "Voter ID.") Voting by mail and no-excuse absentee voting are also being considered in some states, although the most common convenience voting measure is also the newest: electronic transmission of absentee ballots. Though one state introduced measures to permit electronic transmission of absentee ballots from officials to voters and back to the election board within the United States, most bills relate to overseas voters, in compliance with the recent enactment of the National Defense Authorization Act for Fiscal Year 2010, which provides voter registration assistance to members of armed forces and the option of electronic transmission of voter registration applications and absentee ballots.

### *Early Voting*

- **Arizona – HB 2274:** This bill would amend election law, which permits early voting, to allow a registrant to opt for permanent early voting status. It is in the House Judiciary Committee.
- **Missouri – SB 651:** This bill provides for early voting for all eligible voters, beginning the third Wednesday before an election. It provides for the establishment of a voting center, plus satellite locations for every 50,000 residents in a jurisdiction. It is in the Senate Financial and Governmental Organization and Elections Committee.

### *Vote by Mail*

- **Washington – HB 1572:** This bill provides for all-mail elections in Washington, but allows for designated in-person voting centers. It has been adopted by the House and is on the Senate floor.

### *No-Excuse Absentee*

- **New York – AB 8277/SB 5028:** These bills allow the legislature to provide a manner in which qualified voters may vote on or before Election Day without having to vote in person. The Assembly bill was referred to the Attorney General for his opinion on February 10. The Senate bill is in the Senate Judiciary Committee.

### *Electronic Ballot Transmission*

- **Virginia – SB 144:** This bill requires the State Board of Elections to implement a system to accept absentee ballot applications electronically. Currently, an applicant may request and receive (but not submit) an absentee ballot application electronically. The bill was adopted by the Senate on February 16. It is currently in the House Privileges and Elections Committee.
- **Virginia – SB 654:** This bill allows for electronic submission of absentee ballot applications and voter registration updates. It does not apply to new registrations. In addition, this bill provides for use of electronic poll books starting in 2011. The bill was adopted by the Senate on February 15. It is pending in the House Privileges and Elections Committee.

# Conclusion

Budget issues, partisan conflict, and the 2010 elections appear to have diverted lawmakers' focus from election legislation, though we can expect more election administration changes—new and familiar—reappearing in the near future. The longstanding issue of voter ID is increasingly moving outside of the legislature, as more states consider putting it on the ballot for voters to decide, perhaps opening the door to more covertly troubling laws. On the other hand, the various efforts to improve voter registration access bring hope for future sessions (and voters) to come.

## Stay Informed

Stay informed about election reform and voting rights related bills in all 50 states and Congress by signing up for Project Vote's weekly Election Legislation eDigest. To subscribe, contact Erin Ferns at [eferns@projectvote.org](mailto:eferns@projectvote.org).

## Notes

- <sup>1</sup> Pettus, Emily Wagster. "GOP claims enough names to get voter ID on ballot." *Associated Press*. February 2010. <[http://nems360.com/view/full\\_story/6023640/article-GOP-claims-enough-names-to-get-voter-ID-on-ballot?instance=home\\_news\\_bullets](http://nems360.com/view/full_story/6023640/article-GOP-claims-enough-names-to-get-voter-ID-on-ballot?instance=home_news_bullets)>
- <sup>2</sup> "SC Legislators Push Voter ID Bill." WMBF News 13. 4 February 2010. <<http://www.wmbfnews.com/Global/story.asp?S=11936371>>
- <sup>3</sup> Galloway, J. "Justice Department again rejects Georgia voter verification system; court fight over citizenship proof looms." *Atlanta Journal Constitution*. 23 February 2010. <<http://blogs.ajc.com/political-insider-jim-galloway/2010/02/23/justice-department-again-rejects-georgia-voter-verification-system-court-fight-over-citizenship-proof-looms/>>
- <sup>4</sup> McCaffrey, Shannon. "Georgia plans federal lawsuit over voter checks." *Associated Press*. 23 February 2010. <<http://www.wtop.com/?nid=104&sid=1895861>>
- <sup>5</sup> Wood, Erika. "Restore the Vote to These Virginians." *The Richmond Times-Dispatch*. 13 January 2010. <[http://www2.timesdispatch.com/rtd/news/opinion/op\\_ed/article/ED-VOTE13\\_20100112-180406/317049/](http://www2.timesdispatch.com/rtd/news/opinion/op_ed/article/ED-VOTE13_20100112-180406/317049/)>

## Appendix:

# Election Legislation Threats in the States

## Alabama

*Voter ID*

Status: PENDING

**HB 227:** Requires all voters to present current, government issued photo ID before voting in person. Absentee voters must provide a copy of required ID. Voters living at state-licensed facilities would be permitted to present a wider range of voter ID, including Medicare and Social Security cards.

## Alabama

*Felon Disenfranchisement*

Status: PENDING

**SB 358:** Prohibits the legislature from passing a law to restore the voting rights of felons. The bill is pending in the Senate Judiciary Committee.

## Idaho

*Voter ID*

Status: PENDING; Adopted by House

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

## Maryland

*Voter ID*

Status: PENDING

**SB 711:** Requires voters to prove identity with current, valid government issued photo ID. If the voter does not provide acceptable proof of identity or indicates that he or she has changed residence, a provisional ballot would be offered. This bill also makes it a misdemeanor to vote under a false ID.

## Maryland

*Election Administration*

Status: PENDING

**HB 1485:** Prohibits the Motor Vehicle Administration from offering the opportunity to register to vote or update registration to anyone who fails to present necessary documentation when applying for a driver's license. Requires the

MVA to report to the state election administrator the names and addresses of anyone who had been denied in order to purge voter rolls.

## Minnesota

*Election Administration*

Status: PENDING

**HB 3110/SB 2888:** Limits EDR rules.

## Missouri

*Voter ID*

Status: PENDING

**HJR 64:** Allows the General Assembly to adopt a government-issued photo voter ID requirement if passed by voters. The bill is expected to pass the House.

## New Hampshire

*Election Administration*

Status: PENDING; Adopted by House

**HB 1671:** Requires Election Day registrants who do not verify their identity with photo ID to return an identity verification form within 30 days. The names of those who do not confirm identity would be referred to the attorney general for investigation into possible voter fraud

## South Carolina

*Voter ID*

Status: PENDING; In House for Concurrence

**HB 3418:** Requires all voters to present valid, government-issued photo ID, including driver's license, passport, military ID, or employer ID.

## Tennessee

*Felon Disenfranchisement*

Status: PENDING

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

## Appendix:

# Election Legislation Opportunities in the States

## Alabama

*Online Voter Registration*

Status: PENDING

**HB 424:** Provides for the development of an online voter registration website that would be maintained by the Secretary of State.

## Arizona

*Youth Voting*

Status: PENDING; Adopted by House

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

## California

*Election Day Registration*

Status: PENDING; Assembly bill Adopted

**AB 1531/SB 1140:** Assembly bill provides for same day registration by mail ballots during the early voting period or by provisional ballot if registering on Election Day. Senate version provides for EDR at one-stop voting locations and allows such registrants to vote by regular ballot.

## Connecticut

*Election Day Registration*

Status: PENDING

**HB 5321:** Establishes a pilot program to permit same-day registration for municipal primaries in 2011.

## Delaware

*Provisional Voting*

Status: ENACTED

**HB 245:** Specifies the minimum number of provisional ballots that must be provided at polling places, depending on the number of voting machines in each election district.

## Florida

*Youth Voting*

Status: PENDING

**HB 407/SB 534:** Provides for a voter education program for public high school students who are eligible to register or preregister to vote.

## Georgia

*Online Voter Registration*

Status: PENDING

**SB 406:** Provides online voter registration as well as procedures for online voter registration.

## Illinois

*Youth Voting*

Status: PENDING

**SB 2925:** Requires election officials to conduct grace period registration, voting, and early voting at public universities and community colleges.

## Kentucky

*Restoration of Voting Rights*

Status: PENDING; Adopted by House

**HB 70:** Proposes an amendment to the Constitution providing for the restoration of voting rights for certain felons after completion of all terms of their sentences.

## Kentucky

*Youth Voting*

Status: PENDING; Adopted by House

**HB 212:** 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 how to vote using an absentee ballot.

## Maryland

*Youth Voting*

Status: PENDING

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

## Massachusetts

### *Youth Voting*

Status: PENDING

**HB 683:** Permits 16 1/2-year-old citizens to preregister to vote.

## Michigan

### *Youth Voting*

Status: PENDING; Adopted by House

**HB 4241 and HB 4332:** Permit preregistration for 16- and 17-year-old citizens

## Nebraska

### *Provisional Voting*

Status: ENACTED

**LB 325:** Requires the election commissioner or county clerk to assess what qualifies for a provisional or regular ballot and implement the policy regarding designation of ballots uniformly throughout the county.

## Oklahoma

### *Restoration*

Status: PENDING

**HB 1350:** Restores voting rights for convicted felons upon completion of all terms of the felon's sentence, including probation and parole.

## Pennsylvania

### *Youth Voting*

Status: PENDING

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

## Virginia

### *Convenience Voting*

Status: PENDING; Adopted by Senate

**SB 144:** Requires the State Board of Elections to implement a system to accept absentee ballot applications electronically.

## Virginia

### *Convenience Voting*

Status: Pending; Adopted by Senate

**SB 654:** Allows for electronic submission of absentee ballot applications and voter registration updates.

## Washington

### *Youth Voting*

Status: PENDING

**HB 1193:** Permits citizens as young as 13 to preregister to vote.

## Washington

### *Convenience Voting*

Status: PENDING; Adopted by House

**HB 1572:** Provides for all-mail elections in Washington, but allows for designated in-person voting centers.

# Partisan Control of Legislatures & Governor's Offices 2009

## Democratic Legislature and Governor

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

## Divided Legislature, Democratic Governor

Kentucky	Montana
Michigan	Ohio
Missouri	Pennsylvania

## Republican Legislature, Democratic Governor

Kansas	Tennessee
Oklahoma	Wyoming

## Republican Legislature and Governor

Arizona	South Dakota
Florida	South Carolina
Idaho	Texas
North Dakota	Utah

## Divided Legislature, Republican Governor

Alaska	Indiana
Georgia	Virginia

## Democratic Legislature and Republican Governor

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

## Unicameral Legislature and Republican Governor

Nebraska



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

## Disclaimer

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

©2010 by Project Vote/Voting for America, Inc. This paper is covered by the Creative Commons "Attribution-NonCommercial-ShareAlike" license (see <http://creativecommons.org/>). This work may be reproduced in whole or in part for non-commercial use. It may also be adapted for non-commercial use. Reproduction or adaptation must attribute Project Vote/Voting for America, Inc., and must bear the Creative Commons "Attribution-NonCommercial-ShareAlike" license. Please notify Project Vote if reproducing or adapting this work.

"Project Vote®" is a trademark of Project Vote/Voting for America, Inc. and registered in the U.S. Patent and Trademark Office. The Project Vote logo is a trademark or common law mark of Project Vote/Voting for America, Inc.

March 2010

