

Helping Voters Register Under Louisiana Law

Important: Voter registration drives in Louisiana have to follow certain state laws and rules, such as a rule that drives must turn in applications within a certain amount of time after receiving them, and restrictions regarding copying and disclosure of registration information. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Louisiana, any individual may become a registered voter if the person:¹

- Is a Louisiana citizen;
- Will be 18 years old on Election Day;
 - 17-year-olds may register to vote at any time prior to the first election when the person will be
 18, but may not vote in any election before turning 18.²
 - o 16-year olds may register through the department of motor vehicles or in person at the registrar's office.³
- Is a bona fide resident of Louisiana and the parish, municipality, if any, and precinct in which the person offers to register;
 - Resident means a citizen who resides in the state and in the parish, municipality, if any, and precinct in which he offers to register and vote, with an intention to reside there indefinitely.⁴
 - A person who has been involuntarily displaced from his place of residence by the effects of a
 gubernatorially declared state of emergency is not considered to have vacated his residence and
 must be considered to be an actual bona fide resident of the state and parish in which he is
 registered to vote unless he has changed his registration address or claims a homestead
 exemption on a different residence.⁵
- Not under an order of imprisonment for a felony conviction; ⁶ and
 - "Under an order of imprisonment" means a sentence of confinement, whether or not suspended, whether or not the subject of the order has been placed on probation, with or without supervision, and whether or not the subject of the order has been paroled.
 - Any person who was convicted of a felony prior to the effective date of the 1974 Constitution of Louisiana who has fully satisfied and completed the person's sentence is not ineligible based on

that conviction.

 Not under a judgment of full interdiction for mental incompetence or limited interdiction where the person's right to vote has been suspended.

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: Louisiana law does not specifically address homeless persons. The state's attorney general issued an opinion in 1996 that indicated a homeless individual may use a shelter as the person's residence for the purpose of registering to vote, provided the individual complies with the residency requirements of the residency statute to have an intent to reside there indefinitely.⁹

Felony Convictions: Persons who are not under an order of imprisonment for a felony conviction may register and vote; ¹⁰

- "Under an order of imprisonment" means a sentence of confinement, whether or not suspended, whether
 or not the subject of the order has been placed on probation, with or without supervision, and whether
 or not the subject of the order has been paroled.¹¹
- Any person who was convicted of a felony prior to the effective date of the 1974 Constitution of Louisiana who has fully satisfied and completed the person's sentence is not ineligible based on that conviction.

College Students: Full-time college students may use either their home address or their address at school when registering to vote. Such a student need not have an intent to reside indefinitely at the place where the student offers to register. Students from out of state attending school in Louisiana may use their school address in Louisiana if they want to be a voter in Louisiana. If they register to vote by mail, they may vote absentee by mail by including a copy of their fee bill or student identification card with their application to vote absentee by mail.

PART 3: FILLING OUT AN APPLICATION

Louisiana's state voter registration application contains the following fields that are not indicated as optional:¹⁴

- · Checkboxes to indicate citizenship and age;
- Name; Residence address;
- Mailing address, if different than the residence address;
- · Date of birth;
- Louisiana Driver's License number or Identification number, or if applicant has neither, the last four digits of Social Security Number, if issued; 15
- Sex;
- Party affiliation;
 - New applicants who do not complete this item will be listed as no party¹⁶
- Place of birth
- Mother's maiden name;
- Whether the applicant requires assistance at the polls;
- Previous address and voter registration information;
- Former registered name, if applicable
- Date; and
- Signature affirming eligibility and the truth of the information on the application.
 - o If the applicant is unable to sign his name, two witnesses to the person's mark must sign the application.

Organizations should consult elections officials regarding which fields are required for the application to be considered complete. ¹⁷

A person who has registered by mail or online and is voting in the parish for the first time must either vote during early voting in the office of the registrar, or vote in person at the polls on Election Day. Exempt from this rule are overseas and military voters, students currently residing outside the parish who provide required documentation, elderly and disabled voters under applicable statutes, participants in the Louisiana Department of State Address Confidentiality Program, and persons who appear before the registrar prior to Election Day to establish identity.

Louisiana allows for people who have a valid Louisiana driver's license or state identification card to register to vote or make changes to registration status on the Secretary of State's website.²⁰

PART 4: VOTER REGISTRATION DEADLINE

- The deadline for submitting an application to register to vote In Louisiana is 30 days before the election. If this date falls on a legal holiday, the registrars must close the registration records on the first day after such holiday which is not a Saturday, Sunday, or other legal holiday.²¹
- Mail voter registration applications returned through the U.S. postal service are deemed to have been made as the date of the postmark, or if there is no postmark or the postmark is illegible, it must be received by the registrar no later than the close of business on the 30th day prior to an election.²² Mail voter registration applications returned by a third party must be received by any parish registrar of voters no later than the registration deadline for a particular election in order for the applicant to be eligible to vote in that election.²³
- There is a specific turnaround time that applies to voter registration drives, see below.

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

Does the state require organizations conducting voter registration drives to register?	No, but there is voluntary registration for drives, see question A below.
Are there restrictions on getting voter registration forms?	Louisiana law does not address restrictions on forms, and forms can be requested both from the state and the parish. See below question B for details.
Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?	Louisiana law does not address this issue.
Does the state require any training in order to conduct voter registration drives?	No.
Does the state have restrictions on who may help others register to vote?	No. There are rules regarding procurement or submission of applications known by the person to be materially false, fictitious or fraudulent, see

Louisiana law does not address this issue.		details below question C.
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on data entry or disclosure? indicate that the criminal penalty for a first offense		
violation is \$2,000 or 2 years in jail, or both.27 See	•	
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		applicable parish registrar of voters' office within 30
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what are the consequences for jailing		
to submit applications on time? punishable by a maximum fine of \$1,000 and/or on	to submit applications on time?	

	year in jail. For subsequent offenses the penalty increases to a maximum of \$2,500 and/or five years in jail. ²⁹
If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?	There are rules against altering a voter registration application, and the Louisiana Secretary of State states that no third party organization can alter any information contained on the voter registration application. See details below, question F.
How will an applicant know whether the election official received the application?	Louisiana has a verification process that involves providing notice to the applicant, see question G below.
How may an applicant correct an incomplete application after it has been submitted to election officials?	The parish registrar must mail out a notification if required information is missing from a mail-in application, and information must be provided by the applicant within 10 days or the application will be rejected. See further details below, question H.
Who investigates and enforces the state rules?	Secretary of State/Attorney General/District Attorney, see details below, question I.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. Does the state require voter registration organizations to register or file other information detailing its voter registration activities?

No. The Secretary of State must provide for the voluntary registration of individuals or entities that conduct voter registration drives in the state of Louisiana. Mail voter registration applications must be available for organized voter registration programs. The Secretary of State's website provides a "registration drive application" for ordering voter registration applications, which is available at http://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/3rdPartyVoluntaryRegistrationApp.pdf.

B. Are there restrictions on getting voter registration forms?

Louisiana law does not address restrictions on forms. Voter registration applications may be obtained in bulk by completing the contact form on the Secretary of State's webpage.³³ Requesters are asked to provide a physical address and indicate the number of applications needed.

The Secretary of State's Voter Registration Best Practices document also indicates that the local parish Registrar of can provide paper applications for use.³⁴

C. Does the state have restrictions on who may help others register to vote?

No. However, no person may procure or submit voter registration applications that are known to the person to be materially false, fictitious or fraudulent. This offense is punishable by a fine up to \$2000 and/or imprisonment up to two years for a first offense, and by a fine up to \$5000 and/or five years of imprisonment for a subsequent offense.³⁵

D. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Louisiana prohibits bribery of voters, which includes giving or offering to give, directly or indirectly, any money or anything of apparent present or prospective value to secure or influence registration of a person. This offense is punishable with a fine up to \$4000 and/or imprisonment for up to two years, for a first offense, with subsequent offenses punishable with a fine of up to \$10,000 and/or imprisonment for up to five years.³⁶

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years." At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment." "38"

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."³⁹

DURING THE DRIVE

E. Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar, or other restrictions on data entry or disclosure?

Yes. The Secretary of State's "Best Practices for Voter Registration Drives" indicates, "[i]t is a crime to copy voter registration applications and the information they contain for any reason" and indicate that the criminal penalty for a first offense violation is \$2,000 or 2 years in jail, or both. 40

Louisiana law provides that no person may knowingly, willfully, or intentionally copy or reproduce a voter registration application that has been submitted by an applicant for purposes other than fulfilling the person's duties relative to registration of voters as provided by law. This offense is punishable by a fine up to \$2000 and/or imprisonment up to two years for a first offense, and by a fine up to \$5000 and/or five years of imprisonment for a subsequent offense.

In addition, any person who handles the voter registration application form of another person is prohibited from circulating on a commercial list or otherwise disclosing the following:⁴³

- (a) The fact that a registered voter is entitled to assistance in voting.
- (b) The social security number of a registered voter.
- (c) The driver's license number of a registered voter.
- (d) The day and month of the date of birth of a registered voter.
- (e) The mother's maiden name of a registered voter.
- (f) The electronic mail address of a registered voter.
- (g) The short message service number of a registered voter.

Further, any person who handles the voter registration application form of another person is prohibited from disclosing the voter registration application and any information contained on the voter registration application of any person who is sixteen or seventeen years of age. 44

The National Voter Registration Act requires election officials to maintain for two years and make available for public inspection and, where available, photocopying at a reasonable cost, all records

concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters. ⁴⁵ In *Project Vote/Voting for America v. Long*, the U.S. Court of Appeals for the Fourth Circuit ruled that under this requirement, the Virginia election official had to make available for public inspection and, where available, photocopying at a reasonable cost, completed voter registration applications with the social security numbers redacted. ⁴⁶ Organizations should seek copies of the applications they submitted by requesting them from the election official.

F. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?

Louisiana law states that no person shall knowingly, willfully, or intentionally alter, add to, or deface any voter registration application. ⁴⁷ This offense is punishable by a fine up to \$2000 and/or imprisonment up to two years for a first offense, and by a fine up to \$5000 and/or five years of imprisonment for a subsequent offense. ⁴⁸

The Louisiana Secretary of State states that no third party organization can alter any information contained on the voter registration application.⁴⁹

G. How will an applicant know whether the election official received the application?

Louisiana's voter registration process requires verification of voter registration information: If an applicant has a Louisiana driver's license, identification card, or Social Security Number, the number provided by the applicant must be verified with a state database. If a match is made, the registrar must add the applicant to the official list of voters, and send a notice of registration to the applicant. If a match cannot be made, the registrar must notify the applicant in writing and inform the applicant that he has 10 days from the date on which the verification letter was mailed to respond. In the event the applicant does not respond to the verification letter within ten days, the application is rejected and the registrar must advise the applicant in writing. In the event the applicant responds to the verification letter and the registrar determines that the registration information cannot be verified, the registrar must notify the applicant in writing and inform him that he has 10 days from the date on which the final verification letter was mailed to appear in person at the registrar of voters office to prove his identity. If the applicant fails to appear, the application will be rejected and the applicant informed in writing. ⁵⁰

If the applicant does not have a Louisiana driver's license, identification card, or Social Security Number, the applicant's information must be verified with a copy of a current and valid photo identification or copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the applicant. If the applicant has not provided the required information, the registrar must inform the applicant in writing of the missing information and inform him that he has 10 days from the date on which the notice was mailed to provide the information. If the applicant does not respond within 10 days, the application must be rejected and the applicant notified in writing. ⁵¹

If the registrar's request for missing information is returned by the United States Postal Service, the applicant's name may not be added to the official list of voters and the registrar must attempt to notify the applicant of such action. ⁵²

The registrar must mail a verification mailing to the address provided on the registration form. If the mailing is returned to the registrar by the United States Postal Service, the applicant may not be added to the official list of voters. If the verification mailing is not returned to the registrar within 10 days of the mailing, the applicant must be added to the official voter list. The registrar must mail a notice, postage prepaid, to each new registrant and to each person whose registration was changed, showing the voter's parish, ward, precinct, address, and party affiliation. 4

H. How may an applicant correct an incomplete application after it has been submitted to election officials?

If required information is missing from the mail in application, the parish registrar of voters' office must mail out a notification of the missing information to the applicant, asking the applicant to provide the missing data. This written notification shall be considered the required verification mailing (see above). If the applicant provides the information and the registrar determines the applicant is eligible to register, the applicant must be added to the official list of voters and the registrar must send a notice of registration to the applicant. If the applicant does not respond within 10 days from the date the notice was mailed, the state mail voter registration application will be rejected and the parish registrar of voters' office must then notify the applicant by mail of the rejection. If the registrar's request for the missing information is returned by the United States Postal Service, the applicant's name shall not be added to the official list of voters and the registrar shall attempt to notify the applicant of such action. ⁵⁵

I. Who is responsible for investigating and enforcing the state rules?

The Secretary of State administers the laws relating to voter registration and must direct and assist the registrars of voters of the state with respect to matters pertaining to the registration of voters. The Secretary must provide for the voluntary registration of individuals or entities that conduct voter registration drives in the state of Louisiana. The Secretary must prescribe uniform rules, regulations, forms and instructions which must be approved by the Attorney General and must be then applied uniformly by the registrars. The Secretary of State is responsible for coordinating Louisiana's responsibilities under the NVRA. ⁵⁶

The Elections Compliance Unit of the Secretary of State's Office is charged with investigating alleged violations of the Louisiana Election Code such as voter fraud, vote buying and voter intimidation. ⁵⁷ If during the course of investigation, the elections compliance unit determines that there may be a violation of any criminal law or provision of the Louisiana Election Code, the findings of the investigation must be turned over to the appropriate prosecutorial agency for further investigation or prosecution. ⁵⁸ The District Attorney is the agency for the review of all matters that may involve a criminal prosecution. ⁵⁹

WEB PAGE OF STATUTE

http://legis.la.gov/lss/lss.asp?folder=92

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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.

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<sup>1</sup> La. Rev. Stat. Ann. § 18:101
<sup>2</sup> La. Rev. Stat. Ann. § 18:101(A)(2)
<sup>3</sup> La. Rev. Stat. Ann. § 18:101(A)(3) (as amended by 2015 La. Sess. Laws Act 307 (HB 242)).
<sup>4</sup> La. Rev. Stat. Ann. § 18:101(B)
<sup>5</sup> La. Rev. Stat. Ann. § 18:101(F)
<sup>6</sup> La. Rev. Stat. Ann. § 18:102(A)(1)
<sup>7</sup> La. Rev. Stat. Ann. § 18:2(8)
8 La. Rev. Stat. Ann. § 18:102(A)(2)
<sup>9</sup> La. Atty. Gen. Opinion 95-431, available at https://casetext.com/case/opinion-number-95-431 (citing La.
Rev. Stat. Ann. § 18:101(B)).
<sup>10</sup> La. Rev. Stat. Ann. § 18:102(A)(1)
<sup>11</sup> La. Rev. Stat. Ann. § 18:2(8)
<sup>12</sup> La. Rev. Stat. Ann. § 18:101(C)
<sup>13</sup> La. Sec'v of State. Frequently Asked Ouestions.
http://www.sos.la.gov/ElectionsAndVoting/RegisterToVote/FrequentlyAskedQuestions/Pages/default.aspx
?OwnershipName=RegisterToVote&faqid=0 (last visited Mar. 5, 2016).
<sup>14</sup> Louisiana Secretary of State, Voter Registration Application (revFeb. 2016.),
http://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ApplicationToRegisterToVote.pdf. See also
La. Rev. Stat. Ann. § 18:104.
<sup>15</sup> Louisiana law states that the application is not complete unless he or she includes one of these
identification numbers or a photocopy of a current and valid photo ID or a copy of a current utility bill, bank
statement, government check, paycheck, or other government document that shows the voter's name and
address. La. Rev. Stat. Ann. §§ 18:104(G), 18:104(A)(16).
<sup>16</sup> Louisiana Secretary of State, Voter Registration Application (rev Feb. 2016.),
http://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ApplicationToRegisterToVote.pdf.
<sup>17</sup> In addition, Louisiana law has a proof of citizenship requirement for naturalized citizens. See La. Rev. Stat.
Ann. § 18:105(B). Organizations may wish to review any requirements with election officials. Project Vote
cannot provide legal advice; rather, organizations who desire legal advice should consult counsel.
<sup>18</sup> La. Rev. Stat. Ann. §18:115(F)(1)
<sup>19</sup> La. Rev. Stat. Ann. §18:115(F)(2)
<sup>20</sup> La. Rev. Stat. Ann. § 18:115.1(A). See Louisiana Secretary of State, Online Voter Registration (OVR),
http://www.sos.la.gov/ElectionsAndVoting/Pages/OnlineVoterRegistration.aspx (last visited Mar. 5, 2016).
<sup>21</sup> La. Rev. Stat. Ann. § 18:135(A)(1)
<sup>22</sup> La. Rev. Stat. Ann. § 18:115(E)(1)
<sup>23</sup> La. Rev. Stat. Ann. § 18:115(E)(2)
<sup>24</sup> Louisiana Secretary of State, Voter Registration Application (rev Feb. 2016.),
http://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ApplicationToRegisterToVote.pdf.
<sup>25</sup> La. Rev. Stat. Ann. 18:1461.2(A)(6)
<sup>26</sup> La. Rev. Stat. Ann. 18:1461.2(B)
<sup>27</sup> La. Sec'y of State, Voter Registration Drive Best Practices,
http://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/VoterRegistrationDriveFlier.pdf (last
visited Mar. 10, 2016).
<sup>28</sup> La. Rev. Stat. Ann. § 18:1461.7(A)(1)
<sup>29</sup> La. Rev. Stat. Ann. § 18:1461.7(B)
<sup>30</sup> Louisiana Secretary of State, Explore Voter Outreach Activities,
http://www.sos.la.gov/ElectionsAndVoting/GetInvolved/ExploreVoterOutreachActivities/Pages/default.asp
x, (last visited Mar. 10, 2016).
<sup>31</sup> La. Rev. Stat. Ann. § 18:18(A)(9)
<sup>32</sup> La. Rev. Stat. Ann. § 18:115(D)
<sup>33</sup>http://www.sos.la.gov/Pages/ContactUs.aspx?recipient=Voter%20Registration&subject=Voter%20Registr
ation%20Drive&returnto=/ElectionsAndVoting/GetInvolved/OrganizeARegistrationDrive/Pages/default.asp
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<sup>34</sup> La. Sec'y of State, Voter Registration Drive Best Practices,
http://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/VoterRegistrationDriveFlier.pdf (last
visited Mar. 10, 2016).
35 La. Rev. Stat. Ann. § 18:1461.2(A)(5), (B)
<sup>36</sup> La. Rev. Stat. Ann. § 18:1461
<sup>37</sup> 52 U.S.C. § 10307(c)
<sup>38</sup> United States v. Garcia, 719 F.2d 99, 102-103 (5th Cir. 1983).
<sup>39</sup> California Secretary of State, Guide to Voter Registration Drives 11, available at
http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf (last revised Jan. 2016)
<sup>40</sup> La. Sec'y of State, Voter Registration Drive Best Practices,
http://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/VoterRegistrationDriveFlier.pdf (last
visited Mar. 10, 2016).
<sup>41</sup> La. Rev. Stat. Ann. § 18:1461.2(A)(9)
<sup>42</sup> La. Rev. Stat. Ann. § 18:1461.2(B)
<sup>43</sup> La. Rev. Stat. § 18:154 (C)
<sup>44</sup> La. Rev. Stat. § 18:154(I).
<sup>45</sup> 52 U.S.C. § 20507(i).
<sup>46</sup> Project Vote/Voting for America v. Long, 682 F.3d 331 (4th Cir. 2012)
<sup>47</sup> La. Rev. Stat. Ann. 18:1461.2(A)(6)
<sup>48</sup> La. Rev. Stat. Ann. 18:1461.2(B)
<sup>49</sup> Louisiana Secretary of State, Explore Voter Outreach Activities,
http://www.sos.la.gov/ElectionsAndVoting/GetInvolved/ExploreVoterOutreachActivities/Pages/default.asp
x, (last visited Mar. 10, 2016).
<sup>50</sup> La. Rev. Stat. Ann. § 18:101.1(A)
<sup>51</sup> La. Rev. Stat. Ann. § 18:101.1(B)
<sup>52</sup> La. Rev. Stat. Ann. § 18:101.1; La. Rev. Stat. Ann. § 18:115(B)(1)(b)
<sup>53</sup> La. Rev. Stat. Ann. § 18:115(B)(1)(a)
54 La. Rev. Stat. Ann. § 18:109
<sup>55</sup> La. Rev. Stat. Ann. § 18:115(B)(1)
<sup>56</sup> La. Rev. Stat. Ann. § 18:18
<sup>57</sup> Louisiana Secretary of State, Elections Compliance Unit,
http://www.sos.la.gov/ElectionsAndVoting/GetInvolved/ReportElectionFraud/Pages/default.aspx (last
visited Mar. 10, 2016); La. Rev. Stat. Ann. § 18:49.1
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⁵⁹ Louisiana Secretary of State. *Elections Compliance Unit*.

⁵⁸ La. Rev. Stat. Ann. § 18:49.1(D)

http://www.sos.la.gov/ElectionsAndVoting/GetInvolved/ReportElectionFraud/Pages/default.aspx (last visited Mar. 10, 2016)