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electionline Weekly -- January 15,

I. In Focus This Week

New year brings new laws and new legislation

Voter ID, expanded early voting and election-day registration among the proposals

By [M. Mindy Moretti](#)
Electionline.org

A new year always ushers in a variety of new laws and proposed legislation as State Houses across the country get back to work. This year, legislatures across the country will be tackling everything from voter ID to early voting to same-day registration.

While not comprehensive, below is a list of what *electionlineWeekly* has been able to compile mostly through media accounts. If you're aware of a law or legislation that is missing, please let us know.

Alabama — Attorney General Troy King (R) announced a [crime legislation package that included several election reform bills](#). Rep. Greg Canfield (R) and Sen. Larry Dixon (R) co-sponsored a voter ID bill that would require a state-issued photo ID to vote. In addition, Rep. Randy Wood (R) has proposed an amendment to the state Constitution that would remove the voting rights of all convicted felons, not just those involved in moral turpitude as is the case now. All convicted felons would need to apply to have their rights restored before being able to cast a ballot.

Arizona — Senator Jack Harper (R-Surprise) has introduced a bill that would require the Secretary of State to set up a [Web site](#) that would allow political candidates to report when they "have reason to believe that a registered voter is deceased." Any political action committee could file a similar report.

Arkansas — State Rep. Mary Slinkard (R) is proposing a change that would set the [filing date deadline](#) on the same day for most political candidates in the state.

California — a pending piece of legislation in the California legislature would require election officials to create a [system for those voting by mail](#) that would tell them whether or not their vote had been received and accepted and if not, why not.

Colorado — State Senator Scott Renfroe (R) will once again attempt to get [voter ID legislation](#) through the Colorado legislature. This bill would be in addition to a proposal that would also require proof of citizenship.

Florida — an [early voting bill](#) was pre-filed in the House of Representatives just before the holidays and would, among other things, authorize supervisors of elections to designate community college facilities as early voting sites; require that supervisors for each county establish early voting hours and provide minimum and maximum daily duration for early voting.

Georgia — Republican lawmakers have hinted that they will introduce legislation that would shorten the time available for [early voting](#), according to the *Atlanta Journal-Constitution*. Secretary of State Karen Handel (R) has been making the rounds with lawmakers voicing her concern about any such legislation. Additionally, state Rep. James Mills, R-Chestnut Mountain, introduced a bill this week that would require voters registering for the first time to present their [birth certificate](#).

Illinois — a new law will prohibit convicted sex offenders from serving as [election judges](#). According to the Chicago Tribune, the change comes after it was discovered that sex offenders were entering schools to work at polling places.

Indiana — Secretary of State Todd Rokita (R) plans to see the legislature's approval to [expand the vote center concept](#) to any county that wishes to participate. Lawmakers considered a bill during the 2008 session that would have allowed any Indiana county to create vote centers. The Republican-controlled Senate approved the measure, but, according to the *Indianapolis Star*, it stalled when majority House Democrats added a contentious amendment that would have allowed any voter to request a mail-in absentee ballot.

Kansas — a new law that went into effect on January 1 is causing some primary confusion. According to the *Topeka Capital-Journal*, [a legislative oops has created a confusing election law](#) just in time for coming elections. "There is contradictory language in that new law that causes confusion," Brad Bryant, state election director for the secretary of state's office said. The Kansas County Clerks' and Election Officials Association asked lawmakers to help limit spring primary elections for city councils, school boards and community college boards. The idea was that primaries are costly and generate low turnout. Specifically, the law now says a primary can only be held to reduce the field of candidates to three. Then it says a primary must eliminate at least two candidates. In essence, the law is saying that if four candidates run for office there must be a primary and at least two candidates must be eliminated in the primary and three must advance to the general election. Until lawmakers can fix the law, the secretary of state's office has guidance on what it believes was intended. The office is advising county election officials that primaries will only be triggered by elections in which more than three candidates are running for any one seat.

Maryland — one legislator plans to introduce a bill that would require a [photo ID](#) for voters in only one Maryland county. And after being overwhelmingly approved by voters in November, expect [early voting](#) to be one of the first pieces of legislation before Maryland's General Assembly.

Minnesota — even while the jury (or in this case the court) is still out about the Minnesota Senate seat, officials in Minnesota have begun looking at a [series of election reforms](#) including making the state's voter registration system automatic and changing way citizens vote early. In addition, Republicans have once again started to push [voter ID](#) legislation.

Mississippi — election reform is back on the agenda for this legislative session in Mississippi including, once again, [voter ID](#). In addition to voter ID, the state will also consider [no-excuse early voting](#). Secretary of State Delbert Hosemann (R) has also asked the state legislature for [subpoena powers](#) to make it easier for him to purge the state's voter rolls.

Missouri — in addition to [voter ID](#) once again making an appearance this legislative session, lawmakers will also consider a bill that would allow for [early voting](#) in the Show Me state. Recently re-elected Secretary of State Robin Carnahan has expressed her interest in moving forward with early voting.

Montana — a bill introduced by Rep. Pat Ingraham (R) would create a pilot project that would allow 18 counties to conduct [vote-mail elections](#) over the next two years. A legislative proposal is being discussed that would allow teens, [ages 16 and 17 to serve as election judges](#). Montana's new Secretary of State Linda McCullough (D) most recently served as the state's superintendent of public instruction. And Montana's [same-day registration](#) process has once again come under fire as Rep. Ted Washburn, R-Bozeman, has introduced legislation that would cut off registration the Friday prior to an election.

Nebraska — state Senator Bill Avery (D) is again pushing an [election-day registration](#) bill in the state. Avery, from Lincoln, introduced LB125 last week. The measure would allow previously unregistered residents, and persons who moved and failed to change their registration, to be eligible to vote, provided they bring identification such as a driver's license or even a utility bill. Currently, Nebraska cuts off voter registration 10 days before the election. The legislature is also expected to produce a bill that would make the state's [electoral votes](#) a winner-take-all system.

New Mexico — a bill was pre-filed that would [remove restrictions on the types of ballots](#) that may be offered to overseas voters.

North Carolina — a new state law took effect January 1 that creates a [legislative oversight committee to study the state's elections laws](#) and to look at elections initiatives in other states. It also continues a pilot project for instant-runoff voting, which allows voters in a primary election to also mark their second and sometimes third choices for a nominee for a particular office. That eliminates the need for a runoff primary.

Oklahoma — one of the first bills filed in the latest legislative session in Oklahoma was a [voter ID](#) proposal. A similar, albeit less-strict proposal died in last year's session by one vote. The 2009 chamber is majority Republican, which according to *The Associated Press* makes introducer Sen. John Ford, R-Bartlesville optimistic about its passage.

Oregon — in a state famous for its ballot measures, [a new law](#) on the books will require an increase in the number of required signatures to submit an initiative from 25 to 1,000. According to *The Oregonian*, the new law requires paid signature gatherers to register with the secretary of state's office and complete a training course and for initiative sponsors to maintain detailed payroll records to guard against paying circulators by the signature, which was banned in 2002. It also imposes detailed requirements for the circulation and signing of signature sheets and requires initiative circulators to witness the signing of signature sheets.

Rhode Island — [voter ID](#) is once again making an appearance on the legislature's agenda this season. The bill was introduced by Rep. Jon Brien (D-Woonsocket) and is supported by Secretary of State A. Ralph Mollis (D).

South Carolina — the House is expected to take up a bill this legislative session that would [ban polling sites from gated communities](#). One of the sponsors of the bill, Rep. H. Boyd Brown, D-Winnsboro, told the *Beaufort Gazette* when polling places are in gated communities there's a chance voters who live outside the gates might not be able to get in to cast ballots.

Tennessee — a flurry of election bills were pre-filed in December including proposals that would require [voter ID](#), [proof of citizenship](#) and a bill that requires a county election commission to [accept and not return a mail voter registration](#) form received within seven days prior to the registration deadline if the form lacks postage or has insufficient postage.

Texas — the Texas Legislature will consider a host of [election-related reforms](#) this session including once again [voter ID](#). According to the Star-Telegram, more than 50 election-related bills have been filed for the upcoming legislative session in Austin. In addition to voter ID, other proposals tackle permanently moving the primary date to February; same-day registration; making Election Day a state holiday; eliminating straight-ticket voting; and altering the Texas two-step process of a combined caucus and primary.

Utah — a total of 15 election-related bills are currently in the legislative cycle including a proposal that would require [ballot initiative](#) titles not to exceed 75 words. In addition to making the language more clear on the ballot, a spokesman for the Lt. Governor also said the proposal would reduce the need for as many multiple optical scan ballots.

Virginia — in Virginia, Gov. Tim Kaine (D) is backing legislation that would [open up early voting](#) to all Virginia residents. The two bills Kaine supports would allow absentee voting in person for any reason. Voters still would have to meet one of the criteria to cast a mail-in ballot. Last year, a similar bill passed the Senate overwhelmingly but was killed in a House subcommittee on an unrecorded vote.

Washington — recently re-elected Secretary of State Sam Reed (D) is [proposing a host of electoral reforms](#) this legislative session. Included in the package are measures that would require all 39 counties to vote-by-mail (Pierce County remains the lone holdout); online voting for overseas military personnel; and moving registration deadlines closer to election day. According to *The Olympian*, other, more controversial reforms could be on the table as well this legislative session.

II. Election Reform News This Week

- The [Humboldt County](#) Board of Supervisors was set to decide this week whether to approve a proposal from County Registrar of Voters Carolyn Crnich to dump the bulk of its current Premier Elections Solutions election equipment in favor of those manufactured by Hart InterCivic. The proposal calls for the county to purchase new optical scan machines and vote tabulating software from Hart for a total of more than \$600,000, all of which would come from state and federal programs and none of which would come out of county coffers. According to the *Times-Standard*, while almost everyone supports dropping the Premier equipment that contains a programming flaw that caused the disappearance of almost 200 votes from the county's final November election results, some say Crnich's proposal is simply trading one flawed technology for another.
- In more money news, the Broward County, Fla., commissioners agreed this week to [all-but drain the county's reserve funds in order to pay for last November's election](#). The decision to pay the extra \$4.1 million spent on overtime and printing ballots leaves just \$1.6 million available to cover crises over the next nine months, including any hurricane strike, the Sun Sentinel reported. Elections Supervisor Brenda Snipes defended the higher cost as the result of the county's shift from touch-screen voting machines to paper ballots at a time when turnout was high. The county had set aside \$4.5 million for the November vote. The cost rose to \$8.6 million as Snipes added extra temporary workers and paid more overtime to her staff first to log in last-minute voter registrations and then man early voting locations for longer hours and finally sort ballots. There were also costs to print more ballots, lease extra counting machines and add more signage at polling places.
- Personnel news this week finds us welcoming two new players to the world of

election administration. In [Allen County, Ind.](#), Beth Dlug was sworn in as the new county elections director. Dlug has a background in technology, with the Allen County Data Board and as Director of Court Operations for the local prosecutor's office. She has served as a poll worker, campaign staffer, and precinct committee person. After much debate the [Pierce County, Wash.](#) council has chosen former councilwoman Jan Sharbo to replace auditor Pat McCarthy who was elected county executive last year. The move came a day after the Pierce County Democratic Party filed a lawsuit over the appointment process, and it virtually guaranteed a continuing court struggle.

III. Research and Report Summaries

electionline provides brief summaries of recent research and reports in the field of election administration. Please e-mail links to research to sgreene@electionline.org.

[The 2008 Early Vote](#) – Prepared by Democracy Corps, January 2009

With nearly a third of ballots cast prior to November 4, Democracy Corps analyzes who voted early and why during the 2008 presidential election. The report cites numerous factors that affected early voting including state laws, age, voter engagement and enthusiasm, more focus from the campaigns on early voting and the potential convenience of voting early as opposed to voting on Election Day. Some specific findings about the 2008 election include:

- Early voting was concentrated in the West and the South;
- Women and African Americans made up a larger share of the early vote than the non-early vote;
- Early voters skewed older, but less so in states that do not require an excuse to vote early versus those states that do require an excuse;
- There were higher levels of early voting in urbanized areas versus less densely populated areas;
- Almost half of 2008 early voters were first-time early voters;
- Early voters were more politically engaged than non-early voters; and
- The early vote favored President-elect Barack Obama

[The Return of the Voter: Voter Turnout in the 2008 Presidential Election](#) – By Michael P. McDonald, *The Forum*, January 2009

During the 2008 election 61.6 percent of eligible voters cast ballots. McDonald examines the role of voter mobilization efforts as well as early voting in the slight uptick in turnout from 2004. While research to date does not find any relation between early voting and turnout increases, he encourages more study of this area as well as delving deeper into why turnout has now risen for three straight presidential elections, returning to turnout levels of the 1960s.

IV. Opinion This Week

National: [Voting rights act](#)

Alabama: [Overseas voting](#); [Voter ID](#)

Arizona: [Vote-by-mail](#)

California: [Humboldt County](#)

Florida: [Early voting, II](#)

Minnesota: [Voting system](#); [Instant-runoff voting, II](#); [Recount](#)

Mississippi: [Voter ID, II](#)

New Mexico: [Absentee ballots](#)

South Carolina: [Polling places](#)

Tennessee: [Paper ballots](#)

Texas: [Voter disenfranchisement](#)