

I. In Focus This Week

State lawmakers' MOVE voting legislation

Numerous states work to comply with federal military and overseas voting act

By [Matthew Morse](#)

Lawmakers across the country have been working hard in recent weeks to pass legislation to reform states' military and overseas voting practices to comply with the federal [Military and Overseas Voter Empowerment \(MOVE\) Act](#).

Due to significant variations, many states face unique challenges in implementing the federal requirements based upon the degree of centralization as well as existing laws and regulations.

Two such states, Georgia and Virginia, have already grappled with interpreting and implementing the federal act that goes into effect in November.

In Georgia, recently appointed [Secretary of State Brian Kemp](#) (R) and [Rep. John Meadows](#) (R-District 5) undertook the effort. Bill [HB 1073](#), was approved by the House Committee on Governmental Affairs last week.

Discussing the difficulty of interpreting MOVE's requirements side-by-side with laws and procedures, Kemp said, "Our office worked closely with U.S. Senator Saxby Chambliss and leaders in the Georgia Legislature to ensure that HB 1073 conforms to requirements in the federal MOVE Act, and provides the greatest ballot access possible for Georgia's military and overseas voters.

"We have also worked closely with Georgia's county elections officials to explain the new requirements and initiate the necessary training on the new procedures."

In Virginia, the effort started as a package of election reform bills. On the Senate side, those bills have been rolled into [SB 55](#), sponsored by [Sen. Stephen Martin](#) (R- District 11) and [Sen. Robert Hurt](#) (R-District 19). SB 55 was approved 39 to 1. On the House side, [HB 1235](#) was sponsored by [Del. Richard Anderson](#) (R- Woodbridge) and unanimously approved. At press time, HB 1235 has advanced through Senate committee.

As part of its compliance with the MOVE Act for federal elections, the Georgia and Virginia bills require military and overseas absentee ballots to be mailed at least 45 days in advance and for blank ballots to be sent electronically upon request.

The federal act also requires electronic transmission of voter registration and ballot requests, an online tracking system for absentee ballots, expedited mail service for voted ballots, online portals for voting information and access to the [Federal Write-in Absentee Ballot](#) (FWAB), elimination of notary requirements and several other changes, such as elimination of restrictions on paper sizes and types.

Numerous states are using MOVE Act implementation as an opportunity to consider other ways to improve the system for military and overseas voters. One easy way to do this is by extending the MOVE Act's protections for time to vote and electronic transmission beyond federal elections to state and local elections as well. One example, Michigan [HB 5279](#), allows military and overseas voters to vote in Michigan elections under certain circumstances even if that voter is not otherwise qualified to vote in the state or locality.

Lawmakers are also providing additional safety nets for military and overseas voters. For example, some states are allowing the Federal Write-in Absentee Ballot to count as a ballot request and/or voter registration form in addition to a voted ballot.

Va. SB 55/HB 1235 and Ga. HB 1073 also allow voters to use the FWAB for state and local offices, whereas until now it was only accepted in federal contests.

Virginia and Georgia are far from alone in their efforts. Many other states, including those with large military populations, have begun working on legislation that would help with MOVE compliance. All told, approximately 25 states have 86 active pieces of legislation to address this issue. Many other states have inactive carryover legislation or are still too early in their legislative calendars to begin work on the issue.

States have been active in military and overseas voting for months, including prior to the MOVE Act's passage. The majority of the work began around January 4th of this year, however, when many state legislatures reconvened.

Because part of the MOVE Act requires changes by the November election, states with short legislative sessions like Virginia, Florida, and Georgia are especially under pressure to change laws before the legislature adjourns for the year.

This comes roughly a year after the Pew Center on the States published its [No Time to Vote](#) report, which found that 25 states and District of Columbia do not provide enough time for overseas military personnel to vote. Even states like Virginia that were found to give enough time to vote are required to make some changes as a result of the MOVE Act, which will serve to further enfranchise these groups of voters.

Similarly, states are improving their election information technology to keep pace with changes to state law and regulations. Virginia already provides data on polling places, ballot and candidate lists, and election official contact information to all voters using an [embeddable gadget](#) (note: gadget uses data from the 2009 election and is for demonstration purposes only) through its participation in the [Voting Information Project](#).

Soon, military and overseas voters will be able to use a similar gadget to self-populate an FWAB with candidate information. This will save staff time, serve voters well, and streamline the process of implementing MOVE Act requirements to provide such tools.

II. Election Reform News This Week

- Once again the U.S. Department of Justice (DOJ) has rejected Georgia's system of [identifying voters who might not be U.S. citizens](#). In the February 22 [letter](#) from DOJ, Civil Rights Division head Thomas Perez wrote, "[A second] review indicates that the state has not provided any additional information or arguments related to the original voter registration verification program to which an objection was interposed, to support its request that the objection to the original program should be withdrawn." According to the *Atlanta Journal-Constitution*, in the letter, Perez reminds Secretary of State Brian Kemp that the state may not enforce its new voter verification law without DOJ approval. Kemp spokesman Matt Carrothers said the law has not been enforced, since – under the rules of the Voting Rights Act – it can't go into effect without Justice Department approval. Or a federal court fight. Carrothers said the secretary was waiting for the DOJ decision on voter verification. With that decision in, Kemp has decided to take the voter verification issue to court. "The state of Georgia will no longer watch the Obama Justice Department play politics with our election processes and protections," Kemp said in a press release.
- The state of Alaska has settled a [lawsuit brought by Yup'ik-speaking elders and tribal councils](#) demanding that the Division of Elections provide ballots and voter assistance in Yup'ik. According to the *Anchorage Daily News*, the agreement calls for Yup'ik language translations of election information to be posted on the state Web site and sent to Bethel-area village councils. The

arguments for and against ballot measures will go to villages 30 days before election day. The Native American Rights Fund and the American Civil Liberties Union filed the suit in 2007 against the state and the city of Bethel. Lawyers for the elders argued election officials were violating the Voting Rights Act of 1965 by failing to provide Yup'ik speaking voters with ballots and other paperwork they needed to understand what they were voting on. "I have said all along that all we wanted was to be able to understand what we are voting for. Now that will happen, and I am very, very happy," Billy McCann, a plaintiff in the case said in a press release...that was translated from Yup'ik to English.

- The [Tennessee Supreme Court will not be chiming in on a pending county elections administrator class-action lawsuit](#) filed last year after Republicans attempted to oust some Democratic appointees. The Supreme Court had been asked to decide on two questions that would have determined the outcome of the lawsuits. In the filing the Supreme Court states that it "declines to accept the questions of law because the answers require additional facts that are not available to the court." The two questions, in essence, were: a) does the post of administrator of elections qualify as an office or public trust whereby no political or religious test shall be used as qualification; and b) is an administrator of elections a county employee or a state employee. "In my opinion the Supreme Court doesn't want to get involved," Hawkins County elections administrator Patricia Lumpkins told the *Times-News*. "If they had answered those two questions, that would have determined how the lawsuit was going to go. The main question is, do we (elections administrators) make policy? We don't." Thirteen Tennessee elections administrators filed a class-action federal lawsuit claiming their constitutional rights have been violated by the GOP members of their respective county election commissions. The trial date is tentatively set for July 5, 2011.
- Questions arose this week as to whether or not [Maryland has enough money in the budget to conduct upcoming elections](#) in September and November. The issue came up during a recent Board of Public Works meeting in which the board approved a seven-year, \$43 million information technology project that would support the state's existing touch-screen voting system. According to the *Maryland Reporter*, Comptroller Peter Franchot opposed the contract because there was not enough money in the budget for it. Gov. Martin O'Malley cut election funding in his fiscal 2011 spending plan. Lawmakers will likely have to approve a budget addition during the session that will pay for election costs, including part of the new contract. Legislative analysts have pegged the boost at around \$1.6 million.

III. Opinion

Alabama: [Voter ID, II, III](#)

California: [VoteSafe Initiative](#)

Florida: [Uniform voting, II](#); [Paper trail](#); [Vote-by-mail](#)

Massachusetts: [Electronic voting](#)

Mississippi: [Early voting](#); [Voter ID](#)

Nevada: [Election dates, II](#)

New Jersey: [Election fatigue](#)

Texas: [Election process](#); [Vote fraud](#)

Vermont: [Instant-runoff voting, II](#)

Washington: [Vote-by-mail, II](#); [Election workers](#)

***some sites require registration*

IV. Available Grants

Colleges, universities and nonprofit organizations are eligible to compete for 10 to 15 grants worth up to \$65,000 to recruit students to serve as poll workers during the 2010 mid-term elections. The grant program, known as the [Help America Vote College Program](#), is administered by the U.S. Election Assistance Commission (EAC), a federal agency established by Congress in 2002 to provide assistance

to states in the administration of federal elections. EAC has awarded 72 grants worth a total of \$2.4 million to recruit and train college poll workers since the program was established in 2004. Reports of poll worker shortages are not uncommon during election season.

V. Job Opportunities

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

Chief, U.S. Dept. of Justice Civil Rights Division (Voting Section) — The successful candidate will: Serve as the Chief of the Voting Section to supervise, directly and through subordinate supervisors, approximately 100 attorneys, Civil Rights Analysts, Paralegal Specialists, Social Scientists, and support employees. Manage the development of the Section's enforcement strategy and implementation plan, including appropriate allocation of staff resources and oversight of personnel matters. Plan and direct a nationwide program to enforce the applicable statutory provisions for safeguarding citizens' right to vote. Supervise the preparation of cases, including the investigation, records analysis, drafting and filing of complaint, pre-trial discovery, writing of the trial brief, and trial. Intervene in significant cases brought by private litigants involving voting rights. Supervise the Section's administrative review of submissions by states, counties, and other jurisdictions of voting changes pursuant to Section 5 of the Voting Rights Act. Direct and review investigations that arise from complaints regarding violations of applicable federal statutes. Consult and advise the Assistant Attorney General for the Civil Rights Division and other Department of Justice officials regarding issues in voting rights policy and litigation. Play a critical role in a range of policy, regulatory, and outreach issues involving voting rights, including engaging in public speaking, as appropriate, to educate the public on the Division's voting rights enforcement program. Coordinate with other components throughout the federal government to ensure a comprehensive effort to enforce voting rights. Confer with U.S. Attorneys and oversee the handling of U.S. Attorney cases related to voting rights issues. Resolve cases through settlement agreements, consent decrees, or litigation. Prepare recommendations for or against appeal, including appeals to the Supreme Court, and may brief or assist in the argument of the case or appeal. [Click here for a complete job description and application.](#)

Deputy Chief, U.S. Dept. of Justice, Civil Rights Division (Voting Section) — seeking an experienced attorney for the position of Deputy Chief in the Voting Section in Washington, D.C. The Civil Rights Division is primarily responsible for enforcing federal statutes and executive orders that prohibit, among other things, unlawful discrimination in voting, education, employment, housing, police services, public accommodations and facilities, and federally funded and conducted programs. The Voting Section enforces federal statutes designed to safeguard the right to vote. These statutes include the Voting Rights Act, as amended; the National Voter Registration Act; the Uniformed and Overseas Citizens Absentee Voting Act; and the Help America Vote Act. The Section brings lawsuits against states, counties, cities, and other jurisdictions; monitors local elections; and reviews submissions for compliance with Section 5 of the Voting Rights Act. The Deputy Chief will be responsible for managing and supervising attorneys, non-attorney professionals, and support staff in the full range of the Section's duties, and will report directly to the Section Chief. In addition, the Deputy Chief will supervise investigations and litigation addressing one or more aspects of the Section's enforcement program and may personally handle sensitive or particularly complex matters, at the discretion of the Section Chief. The Deputy Chief may also be required to perform a wide variety of duties in the Section, including responding to urgent requests from the Civil Rights Division's highest management levels. The Deputy Chief will also assist the Section Chief in the personnel supervision, staff development, and administrative management of the Section. The post will likely require extended hours and some travel. [Click here for complete job description and application.](#)

Elections Administrator, Everyone Counts, San Diego — work directly with private and public sector clients to administer high integrity elections for Everyone Counts, the global leader in the delivery of accessible, auditable, verifiable and transparent elections using modern technology. Ideal candidate will possess skills that encompass the following qualities and experiences: delivery of elections or other similar electronic business process, administration, project management, customer service, sales,

helpdesk assistance, invoicing and employee supervision. Duties: Under the supervision of the Lead Elections Administrator, a successful candidate will work day-to-day with worldwide clients to coordinate elections conducted over the Internet. Duties include: working with client on detailed job specifications, ensuring elections conform to various local and federal laws, set up election using the Everyone Counts voting administration system, testing of the election application, monitoring of election during voting period, responding to voter inquiries, delivering results, and administrative reporting. The Election Administrator will develop contracts with clients, invoice clients for services performed, and work with other employees involved in the administration of elections. Customer service skills and attention to detail are crucial elements of this position. Periodic travel to clients and conferences may also be required. Qualifications & Skills needed: minimum of a Bachelor's degree is required; qualifications beyond the degree include professional office and supervisory experience; must demonstrate ability to work independently and provide supervision, where necessary; must demonstrate strong listening skills and respect for all clients; excellent written, oral and presentation communications are required; attention to detail and accuracy is a must; requires proficiency in general computer software, such as Microsoft Office or Open Office, and a strong comfort level with the use of the Internet and technology; must collaborate with a variety of people, taking the initiative to reach out to others and to accomplish tasks with high quality in a time-efficient manner. Those interested should email a cover letter, one page resume, and salary requirements to careers@everyonecounts.com. Compensation will be based on qualifications and experience. This position reports to the Lead Elections Administrator.

Election Specialist, Fairfax County, Va. — works independently under the supervision of the General Registrar. Serves as the designated voting machine custodian, as mandated by the Code of Virginia and authorized by the Electoral Board. Performs a variety of functions in the installation, testing, maintenance, security, and repair of election equipment and systems, including voting systems and electronic poll books. Trains and supervises the Rovers (seasonal employees) who assist with the testing and maintenance of the voting equipment, and conducts voting machine training for staff and officers of election. Coordinates the use of public and private facilities that are used as polling places, including identifying locations, negotiating use, and ensuring compliance with state and federal accessibility requirements. Coordinates the Election Day call center. Prepares regular reports regarding office call and Election Day call information, including statistical analysis and recommendations. Maintains current knowledge of statutory requirements and new technological developments in the field of elections, including monitoring federal and state legislation. Assists with other agency activities as required.

Qualifications: Any combination of education, experience and training equivalent to graduation from an accredited four year college or university with a bachelor's degree; or four years of increasingly complex technical experience in managing technology systems or project management comparable to experience at the Administrative Assistant IV or higher level. Must be a registered voter in the Commonwealth of Virginia and have a valid Virginia driver's license. Must be able to lift, move, assemble and repair voting machines, electronic poll books and related equipment in a warehouse environment. The appointee to this position will be required to complete a criminal background check and a driver's license check to the satisfaction of the employer. **Salary:** \$42,252 to \$56,336. **Application:** Submit your resume on-line through the [AIMS system](#). If this is the first time you have used AIMS, you will need to [create an account](#).

Deadline: February 26.

Programmer, Voting Information Project, Washington, DC — The New Organizing Institute (NOI) is seeking a full-time employee to take on responsibilities associated with the Voting Information Project (VIP), a cooperative project with the Pew Charitable Trusts and Google. The Voting Information Project (VIP) is a long-term, non-partisan effort to connect voters, via the web, with the information they need to be more engaged citizens. More specifically, the project works to get all 50 states to publish polling place information and candidate information in a standard format. These "feeds" of voting information will be available to all information providers in a recognized format. Thus, any organization – national or local, large or small – will be able to serve as a distribution channel for voting information-- directly from election officials to voters. The Programmer will be primarily responsible for working directly with tech staff in the states, VIP technical support staff, and Google to implement new feeds and update or maintain existing feeds. NOI itself is a progressive organization that builds capacity and sophistication in the progressive movement in the areas of technology and new media, especially as they relate to organizing. NOI offers numerous trainings for progressive practitioners, engages in data research, and coordinates with a wide

range of progressive partners to leverage common interests in the improvement of technology options in the field. The position is hosted out of NOI offices and will include involvement in other NOI projects, but will primarily focus on VIP. Responsibilities: Technical Support and Development including: coordinate with technical collaborators to implement feeds; develop controls for monitoring status of VIP data feeds; assist with outreach and development of promotional materials; create materials explaining technical aspects of VIP; answer incoming technical questions from public and other stakeholders. Qualifications: Basic knowledge of political data; 1+ yrs database management experience; 3+ yrs programming experience; familiarity with XML, JSON, other data standards, EC2 and other cloud services, REST concepts, and comfortable in a Linux environment. The position goes through Jan, 2011, and may be extended at that time. Salary is commensurate with experience, and includes health care. Candidates should submit a resume and cover letter to data@neworganizing.com. The email must have the subject line "Programmer Application"

Trial Attorney, U.S. Dept. of Justice Civil Rights Division (Voting section) — seeking up to 10 experienced attorneys for the position of Trial Attorney in the Voting Section in Washington, D.C. The Civil Rights Division is primarily responsible for enforcing federal statutes and executive orders that prohibit, among other things, unlawful discrimination in voting, education, employment, housing, police services, public accommodations and facilities, and federally funded and conducted programs. The Voting Section enforces federal statutes designed to safeguard the right to vote. These statutes include the Voting Rights Act, as amended; the National Voter Registration Act; the Uniformed and Overseas Citizens Absentee Voting Act; and the Help America Vote Act. Trial attorneys are responsible for conducting investigations, litigation, and other activities addressing all aspects of the Voting Section's enforcement duties. These positions may require extended hours and some positions may involve significant travel. [Click here for a complete job description and application.](#)