

## **I. In Focus This Week**

### **News Roundup: Voter ID bills make their way through statehouses**

*Status runs the gamut from approved to defeated to vetoed to pending*

The 2009 legislative sessions has seen a handful of states consider the always-controversial issue of voter photo identification to varying degrees of success:

#### **Alabama**

Attorney General Troy King and Republican legislators introduced a package of election legislation earlier this year including requiring photo ID to vote. In February, the House Constitution and Elections Committee voted 7-4, along party lines, to [delay action on the bill](#).

A survey conducted by *The Associated Press* prior to the committee delay found that 45 percent of House members who responded and 47 percent of Senators said they support legislation requiring voters to show government-issued identification that includes a photo.

But 38 percent of House members who responded and 37 percent of senators said they opposed the measure. That's a degree of opposition that could make it difficult for the bill to come up for a vote or to stop debate in the House or Senate.

#### **Idaho**

The Gem State is the latest state to join in the voter ID debate. A [measure](#), co-sponsored by House Speaker Lawrence Denney and Senate President Pro Tempore Bob Geddes, was [introduced](#) to the House Ways & Means Committee on April 2. The bill is modeled off of laws in Indiana and Georgia. Denney told a local television station that there may not be enough time for the bill to make it through both chambers of the legislature this year but "leaders wanted the discussion to start."

#### **Mississippi**

An attempt by the Mississippi Legislature to once again approve a [voter ID](#) bill [failed by one vote](#) in early March. The Mississippi House had [debated for several hours](#) before passing a [bill](#) that included voter ID and early voting. That bill died in the Senate Elections Committee under a technical move. At this point, legislators could revive voter ID only by having a two-thirds vote in both chambers. That's unlikely to happen — but the issue won't disappear from Mississippi political discussion.

A month after the defeat of the bills, Secretary of State Delbert Hosemann is still disappointed in their failure.

"It was an uneducated, knee-jerk, local reaction to what has obviously been successful in virtually every other Southern state," Hosemann [told the Hattiesburg American editorial board](#). With the killing of the bills this legislative session, Hosemann said the state, "lost the opportunity to stop absentee ballot fraud and assisting voter fraud."

#### **Missouri**

The Missouri House Elections Committee this week [approved a proposed constitutional amendment](#) that would require photo ID. In an earlier form, the proposed amendment to the Missouri Constitution would have let future legislators pass a law requiring voters to show a state-issued photo ID.

As endorsed Tuesday by the House Elections Committee, however, the proposal specifically makes photo ID a requirement under the Missouri Constitution.

According to *The Associated Press*, Secretary of State Robin Carnahan called it "outrageous" that the committee endorsed "serious, sweeping" changes without a hearing on the revised proposal.

"I question whether folks even read this proposal before they voted on it," Carnahan said. "It is shockingly irresponsible for folks who are supposed to be protecting our voting system."

The Republican-led committee endorsed the measure on a 7-5 party-line vote. It goes next to the House Rules Committee and, if passed by the House and Senate, would go before voters on a future statewide ballot, likely in 2010. A 2006 voter ID bill, which was approved, was eventually overturned by the Missouri State Supreme Court.

### **Oklahoma**

The Oklahoma [legislature approved a voter ID bill last week](#). The bill passed the House 71-27 without debate. Eleven Democrats voted for the measure; none of the 60 Republicans present voted against it. The Republican-controlled Senate passed the measure 25-21 last month.

On Wednesday, Oklahoma Governor Brad Henry (D) [vetoed the legislation](#).

"The right to vote is one of our most precious freedoms, guaranteed to all U.S. citizens regardless of their race, gender, religion, income level or social status, and policy makers must be especially careful when tinkering with this fundamental right," Henry said in his veto message.

The Democratic governor said the Republican-sponsored bill could hamper a minority of voters, including some elderly and poor citizens, from having easy access to the ballot box.

Instead of seeking to override Henry's veto, House members passed a bill, already approved by the Senate, to send the voter identification issue to a vote of the people at the 2010 general election.

"My reaction is one of disappointment because I truly believe that the majority of Oklahomans, regardless of political affiliation, believe voter ID is the right thing," Sen. John Ford told *The Associated Press*.

### **South Carolina**

The debate over voter ID often drives political passions to their highest point and in South Carolina, 30 members of the Legislative Black Caucus and other House Democrats staged a walkout as it became clear the Palmetto state's [bill](#) would pass the House.

"You've made it clear it's your way or the highway," state Rep. David Weeks, chairman of the Legislative Black Caucus, said to House Republicans, moments before the walkout [as reported by The State](#). "There are many of us who will not take 'your way.' We will take the highway."

After Democrats marched out of the House chamber, the bill — which would require voters to present a valid S.C. driver's license, passport, military ID or other photo ID approved by the state Department of Motor Vehicles at the polls — passed 65 to 14.

Of the state's nearly 2.9 million registered voters, more than 2.2 million already have a state-issued photo ID, according to the House Judiciary Committee.

Democrats questioned the need for photo IDs. They said there were no official reports of voter fraud in South Carolina's 2008 general election and charged the bill's goal is to suppress voter turnout among the elderly, the poor and other likely Democratic voters. In early March, the bill was referred for a Senate subcommittee.

## Tennessee

A proposal that would require a person to show photo identification to vote is [advancing in the Legislature](#). The measure sponsored by Sen. Bill Ketron, a Murfreesboro Republican, passed the Senate State and Local Government Committee 6-3. The companion bill has been assigned to a subcommittee in the House.

"Unfortunately, we know that voter fraud exists and that there are people who try to be dishonest in an election," Ketron told Clarksville Online. "This bill aims to curtail such abuse by making sure those persons voting are who they say they are."

[SB-150](#) has now been assigned to the Calendar Committee for scheduling.

## Texas

In the annals of the debate over voter ID, nowhere has the debate raged as long or quite as large as in the Lone Star State. Texas legislators are back at it again this year with a debate as rancorous as in years past.

The [Senate version of the bill](#), which was [approved 19-12 in mid-March](#), had lawmakers [arguing for days and long into the night](#). Under the Senate bill, which passed on a strict party-line vote in addition to a photo ID, the acceptable non-photo ID documents would include any two of the following: voter registration certificates, marriage licenses, bank statements and mail from a government entity.

Rep. Tom Smith, the Republican chairman of the House Elections Committee [sought to introduce a kinder, gentler voter ID](#) bill into the House that would delay its implementation for at least two elections. That means the new rules would not be in place for statewide contests until 2014.

"My preferred period of transition would be two full election cycles," Smith told *The Associated Press*. "It's my intent that there be a period of time where people are literally educated as they vote."

The House opened discussions on voter ID this week with [two days of debate](#) in the House Election Committee. A vote was pending at press time.

## Utah

The Utah Senate [approved an amended voter ID](#) bill on March 9 and the House accepted the changes on March 10. The [amendments](#) added by the Senate included requiring notification to be posted at a polling place to inform people that ID is required and what types are valid.

The bill also would let voters who forget their IDs cast a provisional ballot. They'd then have five days to show the county clerk their driver's license or another accepted identification.

Utah Governor Jon M. Huntsman, Jr. signed [HB 126](#) into law on March 20, and Utah officially joined Florida, Georgia and Indiana as the only states to require a photo ID to vote.

*Compiled from news accounts by M. Mindy Moretti.*

## House subcommittee discusses EAC audit

*Missing records impede process*

By [Kat Zambon](#)

The [U.S. Election Assistance Commission](#) (EAC) [audit](#) of 2008 financial statements was the topic of a [hearing](#) of the [House Administration Committee Subcommittee on Elections](#). The audit, which was released in November, found that the EAC did not have the documents necessary to complete an audit.

"A disclaimer in the first year is not uncommon" and some of the accounting issues they face pre-date the EAC's founding, Curtis Crider, EAC inspector general said. "By and large we have found that states are not misusing HAVA funds."

However, "we are very concerned that it's April and some of those issues haven't been solved," Crider said, particularly "the lack of policies and procedures and lack of internal control structures."

Rep. Zoe Lofgren, D-Calif., subcommittee chair said that the lack of financial controls led to travel being taken without official approval. She also expressed concern that out of 35 EAC staff members, 21 are senior staff. Rep. Gregg Harper, R-Miss., asked if the EAC's hiring policies are adequately helping the organization fulfill its charter.

Crider said that some of the EAC's issues relate to its size. "One of the problems with the EAC is that it's a small agency" that has to comply with all of the policies that the larger agencies with fewer staff resources. "I do think that additional resources in that area [of compliance] would be helpful," he said.

In February, the EAC hired a chief financial officer (CFO), a move that Crider found encouraging. Tom Wilkey, EAC executive director said that the process of hiring a CFO was a challenge because the EAC has a limit on how much they can pay a CFO and "there's a lot of competition for CFO's."

"I'm not going to sit here and say that everything is going to be fine" in the next audit, Crider said. "We do expect to see significant improvement this year ... It's my expectation that we'll identify all of the issues this year," he said.

The unknown unknowns concern Gracia Hillman, EAC vice chair.

"It's important to remember that we are in a significant period of transition," Hillman continued. "In my entire career I have encountered many challenging things but none as challenging as the EAC."

Lofgren said she plans to hold a follow-up hearing in the fall.

## II. Election Reform News This Week

- The longest, costliest U.S. Senate race in Minnesota history has come down to [a decisive pile of under 400 absentee ballots](#) that were opened and counted this week in yet another attempt to determine a winner in the case of Norm Coleman vs. Al Franken, Supreme Court File No. A09-65. A mere 225 votes separated the two contestants at the beginning of the count, with DFLer Franken clinging to a lead that has been as stubborn as it is narrow. The [margin increased to 312 votes after previously rejected absentee ballots were added to the counting](#). Franken did better than Republican Norm Coleman by a nearly 2-to-1 margin as the ballots were opened and counted. The judges have yet to settle some claims in Coleman's lawsuit, but the absentees were the key issue that could have given Coleman enough votes to overtake Franken. Outside the courtroom, Coleman attorney Ben Ginsberg minimized the new margin and told *The Associated Press* he would appeal to the state Supreme Court. Franken attorney Marc Elias said he doubted an appeal would change the result. "The problem that Sen. Coleman has is he lost fair and square," Elias said. "He lost because more people voted for Al Franken than voted for Norm Coleman. No amount of lawyering or sophisticated legal arguments is going to change that."
- Cost-saving efforts continue throughout the elections community, but not always successfully. In a 7-0 vote that came during halftime of the NCAA championship game, the Durham City Council [rejected a proposal to switch its municipal elections from a nonpartisan primary and general election format to a nonpartisan plurality](#). The Durham County Board of Elections had proposed the change as a cost-saving measure, estimating it would save city taxpayers between \$170,000 and \$185,000 each election year by eliminating one round of voting. "Money isn't everything,"

Mayor Pro Tem Cora Cole-McFadden told *The News & Observer*. Board of Elections Chairman Ronald Gregory defended plurality as "a method that is employed successfully" in many other communities. But Mayor Bill Bell said he had heard no wish for a change from citizens. "I haven't seen any outcry, any groundswell," he said. "In the face of that overwhelming majority [of speaker opposition], I'm comfortable with the motion that's on the floor" to stay with the present method. While speakers were overwhelmingly against plurality elections, some did suggest Durham consider the "instant-runoff" system, under which voters rank candidates in order of first, second and third preference.

- Alabama Secretary of State [Beth Chapman](#) announced this week that she will seek another term instead of run for lieutenant governor. Chapman, a Republican, had been considering running for state government's No. 2 office, but she chose her 47th birthday to announce that she wants to keep her current job for another four years. "I am very happy where I am," she told *The Associated Press*. Chapman was elected secretary of state in 2006 after serving one term as state auditor. She said highlights of her term include redesigning the secretary of state's Web site and putting more election and business records on line. She said she also led the state through a "virtually flawless" 2008 presidential election, where the number of voter registrations topped 3 million for the first time and the total number of voters participating set a record. Looking ahead, she said she would use a second term to pursue easier, more efficient ways for military serving overseas to vote electronically rather than mailing absentee ballots.
- [A.J. Salazar](#), a former prosecutor from northern New Mexico has been hired as director of the state bureau of elections. Secretary of State Mary Herrera announced that Salazar will assume the post of elections director on April 20th. Herrera told *The Associated Press* Salazar "has a reputation of being meticulous, thorough and attentive." Herrera says Salazar will oversee elections and voter issues and work on precinct boundary adjustments for the upcoming 2010 census. Salazar worked as general counsel for House Speaker Ben Lujan of Santa Fe during this year's legislative session.
- Long-time Orange County, Va. registrar of voters [Dinah Waugh](#) retired last week after 32 years on the job. Waugh has experienced many changes in the election process since she began serving in the position of registrar. While everything now is computerized, elections used to be conducted by hand. "Back then we had a lever machine [for voting,]" Waugh told the *Orange County Review*. "You had to be sure that you had marked everything you wanted to vote for before you pulled the lever or it was too late. Now, if you can go into Sheetz and order a sandwich, you can use the voting machine."

### 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@pewtrusts.org](mailto:sgreene@pewtrusts.org).

[Final Report 2008–2009: Ohio Election Summit and Conference](#) – By Lawrence Norden with Jessie Allen, The Brennan Center for Justice at NYU School of Law, April 8, 2009

This final report follows a preliminary report and two election summits held by the Ohio Secretary of State in late 2008 and early 2009 and aims to frame issues for stakeholders that could be on the state's election reform agenda this year. The report prioritizes issues, points to places of agreement (and disagreement) among election officials and advocacy groups, and identifies research that would help inform the election reform agenda. Issues covered include: early voting timeframe and procedures; the statewide voter registration database; provisional voting and voter identification laws; poll worker recruitment and training; and post-election audits.

[Inventing the "Right To Vote" in Crawford v. Marion County Election Board](#) – Thomas Basile, *Harvard Journal on Law and Public Policy*, Winter 2009

In examining last year's Supreme Court decision on Indiana's photo voter identification law, Basile argues that while the Court correctly deferred to states' prerogative to regulate voter qualification and elections, their ruling was still troubling. His concerns lay with the Justices reasoning and their acceptance that the Equal Protection Clause includes a general right to vote, an assumption he states remains very much an open question.

## IV. Opinion

District of Columbia: [Voting rights, II](#)  
Florida: [Cost of elections](#); [Overseas voting](#)  
Idaho: [Voter ID](#)  
Illinois: [Covering elections](#); [Vote-by-mail, II](#)  
Maine: [Non-citizen voting](#)  
Michigan: [Voter rolls](#)  
Minnesota: [Senate recount](#)  
Mississippi: [Election reform](#)  
Missouri: [Voter ID](#)  
New Hampshire: [Voting Rights Act](#)  
New York: [Election reform](#); [Absentee ballots](#)  
Oklahoma: [Voter ID](#)  
Pennsylvania: [Voter ID](#)  
Rhode Island: [Pre-registering teenagers](#)  
Washington: [Pierce County](#)

*\*\*some sites require registration*

## 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](mailto:mmoretti@electionline.org)*