

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

### **As summer begins, legislative sessions wind down across the country**

*Off-election year brings variety of election-related legislation*

Although there is no Alice Cooper [theme music](#) to mark the closure of legislative sessions, many statehouses across the country have completed their work for 2009 (or are in the final days) and despite it being an off-election year, a wide variety of election-related legislation was introduced this year.

This is by no means a compendium of all election-related legislation introduced during 2009, but a highlight of some of the larger pieces that made their way through statehouses to varying degrees of success.

#### **Voter ID**

An attempt to move voter ID in [Colorado](#) failed in late January along party lines in a House committee before ever coming before the full House for a vote.

Although approved by the [Mississippi](#) House, a voter ID measure failed to clear the Senate in early March. Senators opposing the bill at the committee level cited the inclusion of early voting provisions and felon voting provisions. After the voter ID measures failed in the Mississippi legislature, an effort, supported by Secretary of State Delbert Hosemann, was launched to get voter ID on an upcoming ballot as a [referendum](#).

[Oklahoma](#) Governor Brad Henry vetoed legislation that would have required Sooners to show a photo ID in order to cast a ballot. Following the veto, legislators passed a measure that would put voter ID on the ballot.

The [Rhode Island](#) House approved voter ID legislation in late May, although its fate in the Senate remains tenuous as a similar piece of legislation has stalled in a Senate committee. The Rhode Island legislature adjourns in late June.

A different type of [Texas](#) two-step played out this year over voter ID in the legislature. The Senate approved a voter ID measure, but time ran out in the legislative session before it could come up for a final vote in the House. And because the fight is not over until it's over, Gov. Rick Perry (R) announced this week that sometime in the near future he would call a [special session](#) in order to complete work on a host of outstanding legislation, including voter ID.

[Utah](#) governor Jon Huntsman signed legislation that requires voters to show identification prior to voting. Under the new law, a voter may either present a single form of identification showing the voter's name and photograph, or two forms of identification showing the voter's name and current address. Voters who are unable to provide suitable identification will be permitted to vote on a provisional ballot

#### **Early Voting**

Governor Martin O'Malley signed legislation establishing an early voting program in [Maryland](#). It marks the end of a years-long effort to bring early voting to the state. In 2005, the legislature passed an early voting bill and even overrode a veto by then-Governor Ehrlich, only to have early voting declared unconstitutional by the state court of appeals. In November 2008, Maryland voters approved a measure that amended the state constitution to allow for early voting. Early voting will be available beginning with the 2010 primary and general elections.

Efforts to increase early voting in [South Carolina](#) failed after the measure was combined with another measure requiring photo ID to vote. The legislative session ended before the combined measure (individually approved in the House) came up for a vote by the full Senate.

Although it was supported by [Virginia](#) Governor Tim Kaine and approved by the Senate, a proposal to allow qualified voters to cast absentee ballots in person at their registrar's office during a 45-day period without having to provide an excuse or reason failed in the House.

### **Voter Registration**

A bill to allow online voter registration was introduced in [Colorado](#) in early January and moved quickly through both houses. Gov. Bill Ritter signed the legislation into law in April

The Nutmeg State is one step closer to becoming the ninth state to allow election-day registration. The [Connecticut](#) House recently approved the measure that would allow the practice to begin as soon as this November's municipal elections. The bill moves next to the Senate. A similar proposal was approved, but vetoed by the governor in 2003.

[Georgia](#) has followed the path of Arizona with the passage of legislation (signed by the governor) that requires potential voters to prove their citizenship before registering to vote. The state recently received a letter of rebuke on the new law from the U.S. Department of Justice. Georgia must comply with Section 5 of the Voting Rights Act.

The [Indiana](#) legislature approved, and the governor signed, legislation allowing voters to register online. The new online portal will be complete and available by July 1, 2010.

[Louisiana](#) is one step closer to joining Colorado, Indiana and Utah this year with online voter registration with a bill passed by the House at the end of May. The bill moves next to the Senate, which has until June 25 to approve the bill.

Lawmakers in [New York](#) are currently crafting a bill that would allow for election-day registration. The bill, championed by State Sen. Joe Addabbo (D-Howard Beach), chairman of the Senate Elections Committee, would amend the state's constitution and eliminate registration deadlines of up to 25 days before an election.

In March, the [Oregon](#) House approved legislation allowing for the creation of an online voter registration system to be in place by the 2010 mid-term elections.

Just as most legislatures were getting down to business for the 2009 session in early February, the [Utah](#) legislature passed a measure (signed by the governor) to allow, at the time, Utah to become only the third state to offer online voter registration.

### **Military and Overseas Voting**

A bill that would have made overseas voting easier in [Alabama](#) failed in the waning days of the legislative session after a campaign finance amendment was added to it.

The [California](#) Assembly approved AB 1340 that would require election officials to count the ballots of active-duty military and other Americans overseas, as long as absentee ballots are postmarked on or before election days. Ballots must arrive within 10 days of an election. The bill is awaiting approval by the Senate. The California legislature remains in session till September.

The [Colorado](#) legislature approved (signed by the governor) legislation creating a pilot program to allow military members and their families stationed overseas to register and cast their ballots electronically.

Both houses of the [Kansas](#) legislature approved bills allowing overseas military voters and their immediate family members to cast their ballots online. Governor Mark Parkinson [vetoed](#) the bill in late May.

The [Oregon](#) legislature has approved a [measure](#) that would allow members of the military to fax their ballots back to local elections offices. The measure is awaiting the governor's signature.

### **Vote-by-Mail/Absentee Voting**

A bill approved by the [Illinois](#) legislature, and awaiting the signature of the governor, would do away with the need to have an excuse to vote absentee.

[Michigan](#) is one step closer to allowing no-excuse absentee voting after the House approved a measure 79 to 30 in late May. The bill now sits in a Senate committee awaiting further action. The Michigan legislature remains in session throughout the year.

The [New Jersey](#) General Assembly approved legislation repealing all absentee ballot statutes on the books in New Jersey, replacing them with simpler, more streamlined vote-by-mail procedures. The bill would do away with civilian and military absentee ballots, replacing them with a single, standardized mail-in ballot for use by any registered voter wishing to vote by mail. The bill is awaiting approval (or veto) from the governor.

### **General/Miscellaneous Election Reform**

The [California](#) Assembly voted to expand the use of instant-runoff voting, giving a limited number of cities and counties the option to use the voting method. The bill is currently under consideration by the Senate. California's Assembly is in session until September.

Based on recommendations from a voting reform task force, the [Colorado](#) legislature approved a bill returning the state to an all paper-ballot voting system. The bill also renewed the certifications for all voting machines in the state.

In an effort to save money the [Delaware](#) House recently approved legislation that would move school board elections to coincide with general elections.

With only three members in either house voting against it, a bill signed into law by [Georgia](#) Gov. Sonny Purdue will allow victims of abuse to keep their addresses on voter forms hidden.

A late session election reform bill was approved by the [Idaho](#) legislature that would limit the number of days for elections to two per year.

The [Illinois](#) General Assembly passed legislation saying the DuPage County Election Commission must follow state law like all other counties when discarding election ballots.

[Indiana](#) Gov. Daniels vetoed legislation that would have allowed for the expansion of vote centers statewide. Currently four counties are participating in the program.

Legislators in [Massachusetts](#) are considering a host of election-related legislation including a bill that would allow candidates to test voting machines before election day. Another bill would ban the use of schools as polling places. The Massachusetts legislature meets throughout the year.

One area where the both parties in the Minnesota legislature were able to agree was on a measure moving the state's [primary](#) from September to August.

A major piece of election-reform legislation was approved by the [Nevada](#) Senate only to die in the House as the 2009 session was ending. The proposal included felony penalties for offenses such as intimidating voters and interfering in the conduct of an election. It also proposed to streamline the election process, in part by creating an electronic voter database to give people the option of registering to vote online.

The [New York](#) General Assembly is considering legislation that would translate ballots into Russian.

The [North Carolina](#) legislature is currently considering a measure that would allow 16 and 17-year olds to pre-register.

In Rhode Island, the House has approved legislation that would move the [polling place closing](#) time to 8 p.m. instead of 9 p.m. The Senate is considering similar legislation.

Although much of the action regarding elections commissions was on the local level in [Tennessee](#), the legislature did approve a bill that would give the GOP control of the state election commission. Also in Tennessee, the Senate is expected to vote soon on delaying the switch to [paper ballots](#) citing cost and technical concerns. The Senate is expected to vote at press-time.

In early May, [Washington](#) Gov. Christine Gregoire signed legislation restoring voting rights to felons once they've served their prison terms and community supervision. The law takes effect July 26.

*Compiled from news reports and from information provided by the National Conference of State Legislatures by M. Mindy Moretti*

## II. Election Reform News This Week

- **News from the Courts:** This week, the U.S. Supreme Court decided not to hear an appeal to the oft-challenged [Georgia](#) law that requires voters to show photo ID before they vote. The move on Monday means a January 2009 ruling by a three-judge panel of the 11th U.S. Circuit Court of Appeals to uphold the state's voter ID law is final. A second lawsuit over voter ID is still in the state courts. The Georgia Democratic Party sued Secretary of State Karen Handel before the 2008 election, but a Superior Court judge denied the party's request for an injunction. Noting that [Illinois](#) law requires a fair election, not a perfect election, a Rock Island County Circuit Court judge ordered a recount of April's Rock Island mayoral election. In his ruling, filed Monday, Judge Mark VandeWiele ordered a full recount of the votes cast in the mayoral race that Dennis Pauley won over David Levin by a count of 3,066 to 3,053. He rejected a request by Levin to order a special election. Results of the recount must be submitted in writing to the judge. A [Minnesota](#) three-judge panel this week required Republican Norm Coleman to pay Democrat Al Franken \$94,783 to cover court costs in the seven-week U.S. Senate trial. The ruling, by the panel that heard the trial, approves an administrative decision last month by the Ramsey County clerk's office. Franken's team had sought \$161,510, but a deputy county clerk rejected a request that Coleman pay Franken for his cost of obtaining public records that made up many of the exhibits in the trial and some other expenses. A federal judge in [New Mexico](#) dismissed a lawsuit filed by the Mexican American Legal Defense and Education Fund that complained of voter intimidation, writing that the plaintiffs failed to establish imminent harm and their claim they were prevented from voting is moot since the election is over.
- Yes Virginia, there was a [primary election](#) this week, although based on turnout numbers — as low as 2 percent in some precincts — one might not have been aware of that until the following morning's headlines declaring a winner. A variety of reasons were offered for the low turnout from the June date, when folks' thoughts tend to be focused elsewhere, to voter fatigue. Nancy Rodrigues, secretary of the State Board of Elections, told *The Washington Post* the turnout might be lower because of the sheer number of elections that Virginia has had recently, including several local races in Northern Virginia. Virginia and New Jersey are the only two states that hold elections every year. "Whether there is some voter fatigue," she said, "that remains to be seen." For those who did bother to show up and cast a ballot, things seemed to go smoothly statewide with only minor problems reported and some unavoidable situations like [power failures](#) from passing storms, two polling places had to be [locked down](#) for about an hour after a shooting happened nearby, and a janitor [forgetting to unlock the doors](#) to a polling station in Prince William County — election officials followed a contingency plan and set up in the parking lot. And some things "...worked absolutely as designed..." in Harrisonburg where they tested new [electronic poll books](#) for the first time.

- The constant need for new batteries is something every parent with a small child can sympathize with, and while it might seem like they are spending thousands of dollars on AA batteries, at least they aren't in the situation that Oconee County, N.Y. is. The [county must set aside \\$12,000 in its 2009-2010](#) budget to replace the motherboard batteries in 170 voting machines. State election officials want the batteries changed before the 2010 primaries, Oconee Registration & Elections Director Joy Brooks told Upstate Today. She said nothing would be done on the voting machines for the upcoming primary and special election to fill a vacant seat on the Oconee County Council. Although HAVA money paid for the new machines, maintenance costs must come from the county's budget.
- [Some rules just need to be broken](#) and that's exactly what happened this week in a municipal election in Bruceton Mills, W.Va. The Preston County town with a population of 74 didn't have enough volunteers to staff the polls from 6:30 a.m. to 7:30 p.m. as required by state law. Instead, the polls were open from 5 p.m. to 7 p.m. for Tuesday's municipal elections. Mayor Lisa Loughry said she knew her town was violating state election law by opening its polls for only two hours, but said there was no other choice. "According to state code, poll workers cannot be office holders or related to anybody on the ballot. That pretty much limits it," she said Wednesday. "Then you have people who work. Plus, this is a community of older people who can't sit at the polls all day." It was either a short Election Day or none at all, Loughry said. In the end, 21 of the town's 30 registered voters cast ballots in uncontested elections for mayor and council. Loughry said no one has ever objected to the practice.

### III. Opinion

National: [Primary elections](#); [Voter participation](#); [Department of Justice, II](#); [Internet voting](#)

Alabama: [Election system](#)

Arizona: [Internet voting](#)

California: [Instant-runoff voting](#); [Election reform](#)

Colorado: [Election reform](#); [Instant-runoff voting, II](#); [Military voters](#)

Georgia: [Proof-of-citizenship](#); [Dead voters](#)

Kansas: [Voter fraud](#)

Maryland: [Annapolis polling locations](#)

Michigan: [Election changes](#)

New Jersey: [Voting system](#)

Oklahoma: [Dead voters](#)

Virginia: [Voting machines](#); [Voter participation](#)

*\*\*some sites require registration*

### IV. Funding Resources

**Help America Vote Act (HAVA) Training and Technical Assistance** (T/TA. *Department of Health and Human Services (DHHS)* announces funds to provide T/TA to P&As in their promotion of full participation in the electoral process for individuals with disabilities, including: registering to vote; casting a vote; accessing polling places; developing proficiency in the use of voting systems and technologies as they affect individuals with disabilities; demonstrating and evaluating the use of such systems and technologies by individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for individuals with disabilities; and providing T/TA for non-visual access. **Eligibility:** Public and state controlled institutions of higher education, nonprofit organizations, and private institutions of higher education. **Deadline:** June 26, 2009. **Funds:** \$367,920 is available to fund 4 awards, ranging from \$91,980-\$183,960. **Information:** [Melvenia Wright](#) at (202) 690-5557 or; or go to the [DHHS Web site](#).

**Help America Vote College Poll Worker Program (College Program).** The United States Election Assistance Commission (EAC) will award a total of \$750,000 in competitive grants under the Help America Vote College Poll Worker Program (College Program) to recruit college students to serve as poll workers. The two-year grant award will be used to recruit, train and support college students to assist state and local governments in the administration of elections by serving as nonpartisan poll workers or assistants. Proposals should include a two-year project plan and a budget supporting activities for election cycles in both 2009 and 2010. If an organization received a College Program grant last year, they are eligible to apply only as a re-competing grantee. These grantees must develop innovative programs to recruit poll workers with disabilities and develop training material to help poll workers create receptive and accommodating polling place environments on Election Day. New applicants are eligible for awards up to \$75,000, and re-competing applicants are eligible for awards up to \$20,000. Applications are due before 5:00 p.m. Eastern Time on Thursday, July 16, 2009, and must be mailed or hand delivered to the EAC. Applications submitted electronically or by fax will not be accepted. The grant application and instructions can be downloaded at [www.eac.gov/grants](http://www.eac.gov/grants). Questions regarding the program can be directed to Mark Abbott by sending an e-mail to [HAVACollegeProgram@eac.gov](mailto:HAVACollegeProgram@eac.gov). He can also be reached by calling (866) 747-1471 toll-free. **Eligibility Requirements** This competition is open to state-controlled institutions of higher education, private institutions of higher education, community colleges and nonprofit organizations. **Grant Restrictions** Funds cannot be used to support any partisan, voter registration or get-out-the-vote (GOTV) activities.

**2009 Help America Vote Act Mock Election.** *US Election Assistance Commission (EAC) announces funds to organize and administer mock elections for high school students. The purpose of the program is to allow students to become more familiar with voting processes and technologies so that when they become eligible to vote they will be more comfortable with their civic duties.* **Eligibility:** State governments and nonprofit organizations. **Deadline:** June 30, 2009. **Funds:** \$300,000 is available to fund 7 awards, ranging from \$30,000-\$75,000. **Information:** Mark Abbott at (202) 327-1883 or [mabboteac@gmail.com](mailto:mabboteac@gmail.com); or visit the [Web site](#).

## 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)*

**Assistant Database Manager & Programmer—Franklin County, Ohio.** The Franklin County Board of Elections seeks an experienced programmer and enterprise database administrator with demonstrated proficiency in Delphi, SQL and Microsoft Office products to assist in the maintenance and support of the county's voter registration system. In addition to technology related activities, the successful candidate will be required to assist in other election administration duties as assigned. The successful candidate will hold at least an associate's degree or equivalent from a two-year college or technical school with a four-year undergraduate degree highly preferred. Three to five years experience in comparable IT environment required. The abilities to reason, identify problems, find alternatives and quickly implement solutions, properly interpret directions, work independently, collaborate within teams, and effectively communicate through verbal conversation and written correspondence are required. Basic understanding of civics, government, and the voting process required. This is an unclassified, non-exempt position with exceptional health insurance and retirement benefits; the successful candidate will be required to work nights, weekends, and holidays to meet the duties and statutory requirements of holding elections, shall be held accountable to perform duties as a Clerk of the Board under penalty of law, and must be a registered voter in the State of Ohio during the period of employment. [Email resume](#) including employment and salary history.

**Elections Director—State of Oregon (Salem)** -- responsible for providing strategic policy recommendations, direction, and proposals to promote the successful execution of the objectives of the Elections Division. This is accomplished in part, but not limited to: developing comprehensive policies to meet both state and federal constitutional and statutory mandates; explaining and interpreting laws, rules and policies and procedures to clients in order to ensure compliance with and understanding of election

law; serving as an information source for election officials and the general public; monitoring all phases of the initiative process, verification of initiative petitions, campaign and political finance processes, election complaint process, as well as conflict of interest and oath processes; developing and managing the Help America Vote Act (HAVA) program; creating and maintaining a high performance environment through positive leadership and a strong team orientation. This is an extremely visible, high profile position. The incumbent must act as role model within and outside the Agency, maintaining professional composure at all times. This position has frequent contact with hostile or angry people, works under extremely tight deadlines, and in highly public settings with strict media and legislative scrutiny. This position reports to the Deputy Secretary and serves as a member of the Agency's executive management team. This position serves at the pleasure of the Secretary of State. **Qualifications:** Your resume and/or cover letter must demonstrate experience in the following: A minimum of five (5) years of progressive experience in administration and management in the public sector; including four (4) years of demonstrated and effective experience in an elections related area; and knowledge of changes in Federal, State and County Municipal laws and regulations relating to elections. Incumbent must be or become a registered voter in the state of Oregon. Incumbent must **not** be a candidate for public office, hold a public office or position in a political party. [More Information](#). **Application:** [sos.jobs@state.or.us](mailto:sos.jobs@state.or.us) (subject line: Application). **Deadline:** June 30, 2009 at 4:00 p.m.

**General Registrar, Fairfax County, Va.** -- serving Fairfax County, the largest locality in the Commonwealth of Virginia, and a suburb of Washington, D.C., is currently recruiting qualified candidates with exceptional senior leadership and management experience for the position of a non-partisan General Registrar to serve a four year term. With over 600,000 registered voters, and using advanced technology, the incumbent will be responsible for the oversight of a large and complex voter registration and election administration agency. Duties include adherence to Virginia Code Sec. 24.2, and other federal, state and local codes. Additional responsibilities include: monitoring relevant legislation at all governmental levels, conducting public education programs; speaking before diverse groups; working with federal and state agencies, professional organizations and advocacy groups regarding voting programs and voting rights; and monitoring relevant legislation at all governmental levels. **Qualifications:** Any combination of experience equivalent to graduation from college with bachelor's degree in a related field; plus four years experience in voter registration and elections management. Must be a legal resident and registered voter in Fairfax County, Virginia at time of appointment. Certification as an Election Administrator, or is eligible to obtain certification. Strong leadership skills; ability to build good working relationships; experience working with elected officials and board appointees. **Salary:** \$97,147+ (negotiable) **Application:** Submit your resume on-line through the [AIMS system](#). If this is the first time you have applied for a position with the [AIMS system](#), follow the link and [create an account](#). It takes just a few minutes. Once you have established your AIMS account you can use the Resume Builder to create a resume in a step-by-step process, or simply paste in an existing resume. If you already have an AIMS account, [Apply For This Job Now!](#) **Deadline:** June 27

**Summer Policy Internship, U.S. Election Assistance Commission, Washington, D.C.**—the division is seeking a highly qualified Policy Intern to work 40 hours per week during the summer or, if applying for the fall or spring semester, a minimum of 15 hours per week. Applications received for this recruitment may be used to fill other EAC vacancies as they occur. The Research, Policy and Programs Division is responsible for carrying out studies to promote the effective administration of Federal elections specified in Title II, Subtitle C of HAVA, identifying and completing other relevant research projects, and developing policy and guidance as required by Title III, Subtitle B, and Title VIII, Subtitle A of HAVA. Principle policy development areas cover voluntary guidance for provisional voting, voting information, computerized voter registration list requirements, and providing support in the implementation of the National Voter Registration Act (NVRA). The Division also administers EAC's Language Accessibility Program. **Qualifications:** Successful candidates will possess strong research, writing, and oral communication skills; be organized, detail-oriented, and self motivated; and demonstrate a willingness to be diplomatic, flexible and creative in addressing challenges. Candidates must be a U.S. citizen to qualify for this position. **Salary range:** \$11-\$20 hourly. **Application:** Applications for this position are being received by the EAC Office of Human Resources (OHR) through e-mail. Please no calls. To obtain information about this internship and TO APPLY, please send a cover letter, résumé, and contact information for three references. In addition, a writing sample of no more than 2 pages is requested. Please send the

application package to [resumes@eac.gov](mailto:resumes@eac.gov). In the subject line of the email, write "Summer Policy Internship." For more information, visit the [Web site](#).

**Superintendent of Elections, King County, Wash.**— responsible for over-all executive level management, oversight and planning for the conduct of local, state and federal elections in King County. It reports directly to the elected Elections Director and is responsible for the day-to-day management of elections and the supervision and oversight of program managers for voter registration, mail ballot processing and delivery, and operation sections. The position is an exempt, "appointive position", which is subject to confirmation by the King County Council. King County Elections serves more 1 million registered voters in the nation's 14th largest county. We are located in Renton, Washington in a new state-of-the-art facility dedicated to elections. This position requires an individual with strong management skills, independent judgment, project management skills and professional managerial knowledge to formulate policies and direct the strategic and logistical needs of all election processes and operations. We are looking for a strong leader to join King County as the largest all-mail voting jurisdiction in the nation. We support accurate and transparent elections, believe in accountability, respect and teamwork and invite those that share these values to join our team. **Qualifications:** Appointment to this position is subject to confirmation by the King County Council. The most competitive candidates will provide effective, strategic leadership and have demonstrated competency in the administration of a complex, highly scrutinized, public sector organization. A significant record of progressively responsible management experience in mail ballot processing, voter registration and elections operation of a large jurisdiction is highly desirable. The candidate should be skilled in developing and guiding a strong team with a commitment to reliable, transparent and accountable election services and an emphasis on professional practices. **Salary:** \$94,440.11 - \$119,708.37. [More Information and Application](#)