

I. In Focus This Week

Checking in with the 111th U.S. Congress

Back in early January, electionlineWeekly covered federal legislation pending before the new Congress. Now that Congress is back in session and settling down for work, this week electionlineWeekly looks at the status of federal election administration legislation that has been introduced since our last report.

House Legislation (with Senate counterpart where applicable)

The Universal Right to Vote by Mail Act of 2009 ([H.R. 1604](#)) was introduced by Rep. Susan Davis and amends the Help America Vote Act of 2002 to prohibit a state from imposing additional conditions or requirements on the eligibility of an individual to cast a vote in federal elections by mail, except for purposes of obtaining signature verification for acceptance and processing of a submitted ballot, or to the extent that it imposes a deadline for requesting the ballot and returning it to the appropriate state or local election official.

In March, Rep. Zoe Lofgren introduced [H.R. 1719](#), the Voter Registration Modernization Act of 2009. The Act would amend the National Voter Registration Act of 1993 (NVRA) to direct states to ensure the availability of the Internet for online voter registration. It would also amend the Help America Vote Act of 2002 (HAVA) to direct the appropriate state or local election official to ensure the availability of the Internet for updating voter registration information. It would amend NVRA to allow a voter registration applicant to provide his or her email address on the appropriate form to receive voting information. And it would require states to consider an applicant to have provided a valid voter registration form if he or she has provided all necessary information to demonstrate eligibility to vote.

Illinois Rep. Janice Shakowsky introduced [H.R. 1729](#) ([S. 1125](#)), the Student Voter Opportunity to Encourage Registration Act of 2009 (or the Student VOTER Act of 2009). The legislation would amend the National Voter Registration Act of 1993 to require states to designate federally-funded institutions of higher education as agencies for the registration of voters in federal elections. The Act would also require such schools to provide mail voter registration application forms to students registering to enroll in their courses.

Rep. Carolyn Maloney introduced [H.R. 1739](#) just one of several bills aimed at making military and overseas voting easier. The Overseas Voting Practical Amendments Act of 2009 amends the Uniformed and Overseas Citizens Absentee Voting Act to prohibit States from refusing to accept balloting materials solely because the materials are generated through the use of a computer program, are not printed on a specific type of paper, or do not otherwise meet similar extraneous requirements which are not clearly necessary to prevent fraud in the conduct of elections, and for other purposes.

Rep. Rush Holt of New Jersey introduced the Military and Overseas Voter Enhancement Act ([H.R. 2082](#)). The Act would amend the Uniformed and Overseas Citizens Absentee Voting Act to require states to accept absentee ballots of overseas military and civilian voters which are submitted by the voter to a provider of express mail services not later than the day before the date of the election involved for transmission to the appropriate state election official, to require the Secretary of Defense to reimburse overseas military voters for the costs of using a provider of express mail services to transmit the ballot to the official, and for other purposes.

The Military Voting Protection Act of 2009 ([H.R. 2393/S. 1026](#)) was introduced by Kevin McCarthy would amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes.

Rep. Susan Davis introduced [H.R. 2510](#) that would amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes.

[H.R. 2823](#) is another military/overseas piece of legislation introduced by Rep. Mike Coffman of Colorado. Amends the Uniformed and Overseas Citizens Absentee Voting Act to: (1) require states to accept and process, with respect to any election for federal office, any otherwise valid voter registration application, absentee ballot application, and absentee ballot submitted by an absent uniformed services voter without any requirement for notarization of the document; and (2) permit the submittal of the official post card form (for simultaneous voter registration application and absentee ballot application) by electronic means. It also expresses the sense of Congress concerning encouragement by states and the Department of Defense (DOD) of the use of electronic means to submit absentee ballots.

Rep. Duncan Hunter of California introduced [H.R. 3274 \(S. 1265\)](#). The Military Voters' Equal Access to Voter Registration Act of 2009 amends the National Voter Registration Act of 1993 to require each secretary of a military department to designate an office on each Armed Forces installation to ensure that certain individuals are provided the opportunity to register to vote in federal elections, update voter registrations, and request absentee ballots under the Uniformed and Overseas Citizens Absentee Voting Act. The Act designates as those individuals those who are: (1) members of the Armed Forces and are undergoing a permanent change of duty station, deploying overseas for at least 6 months, returning from an overseas deployment of at least 6 months, or requests assistance related to voter registration; and (2) are dependents of members of the Armed Forces, request assistance, and are at least 18 years old. The Act also considers an office so designated to be a voter registration agency for all purposes of the Act, and requires informing Armed Forces members and their dependents of the assistance available under this Act.

Rep. John Conyers introduced the Democracy Restoration Act of 2009 ([H.R. 3335/S. 1516](#)) which declares that the right of a U.S. citizen to vote in any election for federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual is serving a felony sentence in a correctional institution or facility; and provides for enforcement and remedies for violations of this Act.

[H.R. 3416](#), introduced by Artur Davis, would extend to individuals evacuated from their residences as a result of a major disaster the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, to direct the Election Assistance Commission to make grants to States to respond to election administration needs which result from a major disaster, and for other purposes.

This month, Rep. Holt introduced legislation ([H.R. 3552](#)) that would amend the Help America Vote Act of 2002 to clarify the treatment of provisional ballots cast in elections for Federal office, and for other purposes.

Senate Legislation (with House counterpart where applicable)

In March Sen. Sheldon Whitehouse introduced the Caging Prohibition Act of 2009 ([S. 528/H.R.103](#)). The Act, prohibits state or local election officials from preventing an individual from registering or voting (including by provisional ballot) in any election for federal office, or permitting a formal challenge under state law to an individual's registration status or eligibility to vote in a federal election, if the sole basis for such decision or challenge is evidence consisting of: a voter caging document or voter caging list; an unverified match list; the foreclosure status of the individual's residence; or certain information indicating a change of residence.

Louisiana Senator David Vitter introduced the Voter Fraud Prevention Act ([S. 1103](#)) that would amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms and to require organizations to register with the State prior to the distribution of such forms.

In July Sen. Charles Schumer introduced the Military and Overseas Voter Empowerment Act ([S. 1415](#)). The bill would amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

Florida Senator Bill Nelson has introduced [S. 1431](#) that would amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes.

California Senator Diane Feinstein introduced [S.1556](#) that would require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes.

Compiled by M. Mindy Moretti from Thomas.gov.

II. Election Reform News This Week

- Questions continued to swirl this week around the [proposed sale](#) of Premier Election Solution to Election Systems and Software (ES&S). "Unless restrained and unwound, this merger would give this newly formed vote counting company excessive market power over something as vital to the American people as the right to vote," antitrust lawyer Jonathan Rubin told *The Washington Times*. Rubin works for the Washington firm Patton Boggs, which is representing Hart InterCivic in a [federal lawsuit](#) the smaller voting company has filed. According to an article published in the Miami Herald, the deal [particularly worries election supervisors and reform advocates in Florida](#), the nation's largest swing state and a proving-ground for election controversies since the disputed 2000 presidential election. Florida's maverick election supervisor, Leon County's Ion Sancho, is more worried. "ES&S acted like a monopoly even before it decided to become a monopoly," Sancho told the paper, calling the purchase "deleterious to democracy." Sancho said the company once attempted to pressure him into signing a contract that would have forced his staff to rely on ES&S to lay out ballot designs, supply the ballot paper and print the ballots.
- A bill moving through the Michigan House would [speed up the process for overseas military members](#) by allowing election clerks to e-mail or fax absentee ballots. The legislation, sponsored by state Rep. Vince Gregory, D-Southfield, came on the heels of a 2009 report on the states that assessed the amount of time overseas military voters had to return ballots in time to be counted for election day. The study found in Michigan the process took 57 days, not enough time for a ballot to be returned and counted. County clerks in Oakland, Wayne and Macomb are pushing for the legislation, which is in effect in 30 other states. "This is an embarrassment for Michigan. We have a responsibility to treat our members of the military with respect," Ruth Johnson, Oakland County clerk told The Detroit News. "It's important to do. It's just common sense. Right now we already have 30 states that are doing it with no problem." The bill calls for the Michigan secretary of state to establish rules on how the ballots would be returned. Johnson has proposed the ballots be counted just like any other absentee ballot, which is tied to a single voter and undergoes signature verification.
- The Imperial County, Calif. [registrar's position may soon become an appointed one](#). Back in the 1990's, a previous board of supervisors consolidated the Clerk/Recorder/Registrar of Voters offices all into one position, but now a new board feels that it's too much responsibility for one person. Under the proposal, current Clerk/Recorder/Registrar of Voters Dolores Provincio will complete her term, set to expire in 2010, and following that a Registrar of Voters will be appointed by the board of supervisors.
- Observant Jews in Iowa City are trying to make sure they [don't have to choose between practicing their religion and exercising their right to vote](#). According to the Daily Iowan, local Jewish leaders said they support the letter 18 Jewish organizations sent to the Iowa Democratic

and Republican Parties on Sept. 18, asking officials to reschedule the 2010 midterm caucuses so they no longer fall on a Saturday. Representatives of both parties announced in July that the caucuses would be held Jan. 23 at 1 p.m. It is the first time the Iowa caucuses have been scheduled on a Saturday — meetings are usually on weekday evenings — and officials said they hope the move would encourage more people to participate in the traditionally sparsely attended midterm caucus. But Jewish leaders are concerned the change will alienate observant Jews who are forbidden from doing any work on the Sabbath.

III. Opinion

National: [Tom Perez, II](#); [Voting machine vendors](#); [Voting system](#)

California: [Voting systems](#); [Appointed registrar](#)

Florida: [Election sites](#); [Cost of elections](#); [Vote-by-mail](#)

Hawaii: [State elections office](#)

Indiana: [Voter ID, II, III, IV, V](#)

Massachusetts: [Election costs, II](#); [Boston elections](#)

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

Mississippi: [Early voting](#)

New York: [New voting machines, II](#)

Ohio: [Traditional elections](#); [Missing ballots](#)

Tennessee: [Voter rolls, II](#)

Utah: [Voter ID](#)

Virginia: [Ballot barriers](#)

Washington: [Top-two primary](#); [Election rules](#)

***some sites require registration*

IV. 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

Business Development/Sales Manager (two positions)— *Scytl USA Secure Electronic Voting* located in Richmond, Virginia and its parent *Scytl S.A.* located in Barcelona, Spain are rapidly emerging as the global leader in the development of secure electronic voting solutions for the public and private sectors. Associates of *Scytl USA* enjoy an entrepreneurial setting, competitive salary, continuous development and education, career advancement opportunities, and a great team environment. Reporting directly to the Managing Director, *Scytl USA*, the candidates will: Build and execute company business plan for achieving revenue and pipeline objectives; identification and prospecting of new business leads, including qualification and needs assessment; build and maintain regional sales opportunity pipeline utilizing company CRM tools; presentation and positioning of *Scytl USA's* solutions and services to prospective State and Local Election Administrators/Officials, and State Legislators; supporting the development of effective proposals and closing new business; adhering to *Scytl USA's* selling methodology for developing sales pipeline; maintaining direct client relationships and building new business relationships; and providing market and legislative feedback internally concerning the effectiveness of *Scytl's* core products and consulting services. **Requirements:** Bachelor's degree in Business Administration or Engineering (e.g., Computer Science); proven 10+ years experience in state and local government technology sales – preferably in election related products and services; software familiarity expertise in the following technologies – Web based applications/Cryptography (SSL, PKI, digital certificates and signatures...); excellent communications skills – must have strong oral presentation experience; advanced user experience in Microsoft Office, specifically Power Point, Word and Excel; and ability to travel. *Scytl USA* is an Equal Opportunity Employer. Please visit us at www.scytl.com to learn more about how we are revolutionizing the secure online voting environment. **To apply**, please send a cover letter and resume to the following (email accepted): Hugh Gallagher, Managing Director; *Scytl USA*; 6012 Glen Abbey DR; Suite 1L; Richmond, Virginia 23059; ScytlUSA@scytl.com