



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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State Overview

To the Election Assistance Commission
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Good morning Madame Chair and Commissioners. I have been asked to provide a state overview of 2005 state legislation dealing with the timely return of voter registration applications. I will submit my written statement for the record at the conclusion of my remarks this morning.

This year, 18 states enacted 48 pieces of legislation addressing the issue of voter registration applications in one way or another. Those 18 states are: Alaska, Arizona, Colorado, Connecticut, Florida, Georgia, Idaho, Indiana, Louisiana, Maine, Montana, Nebraska, Nevada, New Mexico, South Dakota, Tennessee, Virginia, and Wyoming. Of these 18 states, eleven created new or changed existing laws regarding when voter registration applications must be received by the appropriate body (AZ, CT, FL, GA, ID, IND, ME, MT, NM, NEV, NEB, WY). Seven states passed voter registration drive bills which detail the time and manner for processing voter registration applications obtained through voter registration drives (CO, LA, NM, SD, VA). Six states enacted legislation pertaining to how one goes about registering to vote and what constitutes a complete and legal voter registration application (AK, AZ, MT, NEV, NM, WY). Two states established field registrars or deputy registrars to assist in the timely registration of their states' eligible voters (NEB, MT). Two states passed bills aimed at providing notice to potential voters of voter registration cut-off deadlines (NEV, MT). Montana enacted a bill that contains what I'll call "extra mile" provisions in that it permits late registrations past the normal

registration cutoff to be valid if the elector meets certain conditions. Virginia and Louisiana enacted legislation that creates criminal penalties for failure to timely submit or for tampering with voter registration applications obtained through voter drive activities.

With respect to the new legislation passed in 2005 pertaining to voter registration applications obtained through voter registration drive activities, it is important to note the new requirements:

In Colorado, a person who intends to conduct a voter registration drive must register with the Secretary of State and designate an agent who is a resident of the state, fulfill the training requirements established by the Secretary of State, use the form of voter registration application approved by the Secretary of State, and deliver or mail a voter registration application collected from a voter to the clerk and recorder of the county in which the voter resides no later than five business days after the application is signed. If the application is sent by mail, it shall be postmarked no later than five business days after the application is signed, except that an application shall be delivered or mailed no later than the registration deadline established under Colorado law.

Louisiana's new law provides that knowing or willful failure to submit to the parish registrar of voters a completed registration application collected through a registration drive within thirty days of receipt of the completed application from the applicant shall receive a fine, imprisonment or both for a first offense.

In New Mexico, organizations employing registration agents or using volunteer registration agents shall deliver a certificate of registration to the Secretary of State or the county clerk within 48 hours of its completion by the person registering to vote or the next business day if the appropriate office is closed for that 48 hour period. Found noncompliance is a misdemeanor.

South Dakota's new law requires that any private entity or individual registering a person to vote shall file the completed registration form with the county auditor within 10 days or by the voter registration deadline, whichever occurs first. A violation of this provision is a Class 2 misdemeanor.

Virginia's new law states that any person who agrees to mail or deliver a signed voter registration application to the voter registrar or other appropriate person authorized to receive the application and intentionally interferes with the applicant's effort to register either by destroying the application or by failing to mail or deliver the application in a timely manner is guilty of a Class 1 misdemeanor. The mailing or delivery of an application shall be deemed timely if it is within 15 days of the applicant's signature or the registration deadline, whichever comes first. This provision exempts state and local government employees acting in their official capacity.

For non-voter drive registration applications, the deadlines vary. Here is a quick rundown:

Arizona: Department of Transportation voter registrations must be returned or mailed to the county recorder of the county in which the applicant resides within 5 days after receipt of a completed registration.

Connecticut: The last day voter registrars may conduct a voter registration session is now seven days before an election. Registrars must file a final list of registered voters with their town clerks on the second Friday before an election and a supplemental or updated list of voters transferred, restored, or added to the list before the sixth day before an election.

Florida: Voter registrations will only be accepted if they match with a Department of Motor Vehicles license or Social Security number. The voter will receive a

provisional ballot until verified. Registrations must be entered into the statewide voter registration system within 15 days.

Georgia: Voter registration applications that were filed before the registration cutoff date, but were deemed to be incomplete to be completed on or prior to the date of the election.

Idaho: Completed registrations must be received prior to 25 days before an election. A legible, accurate and complete registration card received in the office of the county clerk during the 24-day period preceding an election shall be accepted and held by the county clerk until the day following the election when registration reopens, at which time the registration becomes effective.

Indiana: Late voter registration applications shall be received and entered into the computerized list, but shall be designated as “pending.”

Montana: Voter registration applications made by mail shall be sent to the election administrator no later than 15 days after the date the application is signed. Another notable feature of this law is that the election administrator is now required to broadcast a notice on radio or television specifying the day regular registrations will close, or publish the notice in a newspaper of general circulation at least once a week for three weeks before the close of registration. The new law also provides that an application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for three days after regular registration is closed.

Nebraska: Voter registration applications obtained through the DMV or other agency process must be received by the close of business on the third Friday preceding any election for the prospective voter to be able to vote in such election. Late registrations shall not be processed until after the election. Written notice for

incomplete or late registrations shall also be given to the applicant with the opportunity to make the application complete prior to the next election.

Nevada: Field registrars, who are appointed by the county clerk, shall forward to the county clerk all completed applications in his or her possession immediately after the fifth Sunday preceding an election. The county clerk of each county is now required to publish notice of the day that registration closes in a newspaper of general circulation once a week for four consecutive weeks preceding the close of registration.

New Mexico: The new election law requires applicants to submit a completed and signed certificate of registration delivered, mailed, or postmarked at least 28 days before the election.

Tennessee: Voter registration information is required to be transferred from the county election commission offices to the state election coordinator not less than once daily.

Wyoming: The new law requires county clerks to certify and transmit to the officer in charge of each election the poll lists for the precincts or areas involved in the election not less than 10 days prior to such election.

We expect to see additional states make minor changes in their election administration law in the next legislative session. I invite you to visit our searchable state election laws database which can be found at www.ncsl.org which can help you locate pending, passed and failed legislation on just about any issue relating to election administration. I thank you for your time this morning and I am happy to respond to any questions you may have.