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State Restrictions on Voter Registration Drives

By Diana Kasdan

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ABOUT THE AUTHOR

Diana Kasdan serves as counsel for the Brennan Center's Democracy Program. As part of the Voting Rights and Election team, Ms. Kasdan focuses on litigation and advocacy to enhance political participation, prevent voter disenfranchisement, and ensure election integrity. Prior to joining the Brennan Center, Ms. Kasdan was a senior staff attorney at the ACLU Reproductive Freedom Project where she litigated a variety of constitutional and civil rights cases in federal and state courts across the country. A graduate of New York University School of Law and Washington University, Ms. Kasdan clerked for the Honorable Nicholas G. Garaufis of the United States District Court for the Eastern District of New York.

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FOREWORD

Our democracy is strongest when all eligible citizens participate. And to do so, they need to be registered to vote.

This guide is issued at a time when politicians and political operatives across the country are trying to make it harder for some Americans to engage in the democratic process. Since the beginning of 2011, 19 states have passed 25 laws and 2 executive actions about voting. The laws vary – from requiring certain forms of government-issued photo ID to vote, to making it harder to register to vote, to cutting back on early voting, to name a few. But they all have the same impact: They all make it more difficult for those Americans who typically have the least access to power in our democracy to have their say at the ballot box.

Given their success at bringing in new voters, it is not surprising that voter registration drives have also come under attack. This past year, at least 8 states saw legislative efforts to restrict voter registration drives. Laws passed in Florida and Texas shut down drives across the state, including those run by the League of Women Voters of Florida, which had been registering voters for 70 years. The most onerous parts of the new laws have recently been blocked by federal court decisions, but the battle is not yet over. In Michigan, the governor recently vetoed a similar attempt to limit voter registration groups, which the legislature is trying to revive. Restrictive legislation also came close to passage in South Carolina. This misguided legislative movement appears to be growing, not abating.

The obstacles these new laws put in the path of voting particularly impact minorities, seniors, people with disabilities, students, and those who have been hardest hit by the economy. Many of the same groups are also being affected by inaccurate and hasty efforts to purge the voter lists of ineligible voters right before the election.

But the news isn't all bad.

While some politicians are targeting certain Americans with new voting requirements, community-based groups across the country are seeking out those same Americans to provide assistance. Voter registration drives are especially helpful to those who have the hardest time navigating new voting obstacles. Blacks and Hispanics, for example, register through voter registration drives at twice the rate as other groups, according to Census figures. While voter registration drives are especially needed in some communities, they benefit everyone. Non-partisan voter registration drives have registered millions in past election cycles, helping ensure that more Americans are in a position to exercise their right and responsibility to vote.

Citizens and groups who want to do the important work of helping their fellow Americans and community members register to vote need clear and accurate information about how to do so. This guide provides an overview of the rules to watch out for in each state. We hope it will be of assistance to civic-minded people across the country and support those who are working to ensure that every eligible American, regardless of background or political party, can vote and have a say in what happens in their country.

Wendy Weiser
Director, Democracy Program

I. INTRODUCTION

At least 51 million — roughly 25 percent — of voting-age Americans are not registered and cannot vote.¹ That is equivalent to losing the entire eligible voting population of California, New York, and Texas combined.² Among the millions missing from our voter rolls, a disproportionate share are persons of color. As of 2010, Census data shows that 37 percent of eligible Blacks and 48 percent of eligible Hispanics are not registered to vote.³ This underrepresentation of millions of eligible voters is, in part, the result of a voter registration system that is “among the world’s most demanding,”⁴ according to a 2001 commission co-chaired by Presidents Ford and Carter. Unlike most democracies, the United States places the onus of voter registration on individual citizens. The process is often cumbersome and inefficient, and ultimately depends on the correct reading and filing of millions of pieces of paper.⁵ It is a system ill-suited for the 21st century.

Given the deficiencies of the current system, community-based voter registration drives are vital. Drives help citizens navigate the process and once registered, they become engaged in democracy. For decades voter registration drives have added millions of voters to the rolls.⁶ This has been particularly important among minority communities: Black and Hispanic voters are much more likely than white voters to register through private voter registration drives.⁷ Civic groups are essential for assisting voters who might not register successfully on their own, or who are more likely to do so only after personal encouragement from a community member. This approach not only leads to greater registration, it leads to greater participation. Studies show that voters are more likely to cast a ballot if they have registered through community-based efforts.⁸

This report is the first comprehensive review of state laws regulating community-based voter registration. The first two sections provide an overview of laws governing voter registration drives and explain which rules impose unreasonable and onerous restrictions on these efforts. Colorado, Florida, New Mexico, and Texas stand out as states with the most restrictive laws.

The third part of this report provides a 50-state guide to each state’s laws regulating voter registration drives. The state-by-state survey is intended as a general reference for advocates, policymakers, community groups, or anyone else interested in the laws of a particular state or those seeking to understand the varied national landscape.

The ability of community groups to help potential voters can vary greatly. Many states regulate those who assist in registering eligible citizens. While many of these laws are reasonable (or at least not too prohibitive to comply with), others create unnecessary and burdensome obstacles that effectively block or substantially impede voter registration drives. Such rules may violate federal law and suppress political association and expression that is at democracy’s core. For example, in 2011, Florida enacted harsh restrictions that forced the League of Women Voters of Florida and Rock the Vote to abandon voter registration programs and severely curtailed voter registration efforts by other groups.⁹ These onerous measures crippled many registration efforts, especially those targeting minorities. The Florida NAACP, for example, reported a dramatic decrease in the number of local NAACP branches, individual members, and churches volunteering to join its voter registration efforts.¹⁰ Precisely because of these effects, a federal court in Florida recently agreed with the Brennan Center’s arguments that the law’s “harsh,” “impractical,” and “burdensome”

requirements on voter registration drives served “little if any purpose, thus rendering them unconstitutional,” and in violation of the federal Motor Voter law.¹¹

The patchwork of confusing state laws demonstrates the need for a better system of enlisting voters. The variable regulation of voter registration drives, combined with antiquated, error-prone,¹² paper-based registration systems, choke access to the voter rolls that citizens should have as a right. It defies common sense that voter registration, the prerequisite for the central act of democracy — voting — should be in such disarray. Technology is the first step out of this morass. The Brennan Center has detailed the advantages of voter registration modernization.¹³ By deploying existing technologies and databases, states can not only accurately and automatically register eligible citizens, they can do so at a lower cost.¹⁴ Of course no system is perfect. But with modernized voter registration, states can accurately enroll the vast majority of their eligible citizens. Meanwhile, community-based groups can concentrate on registering and engaging potential voters who are hardest to reach: those not captured in existing databases.

II. THE VALUE OF VOTER REGISTRATION DRIVES

“[A]llowing responsible organizations to conduct voter-registration drives – thus making it easier for citizens to register and vote – promotes democracy.”¹⁵

Non-partisan groups have been conducting voter registration drives for more than half a century.¹⁶ Voter registration activity got a boost from Congress when it passed the National Voter Registration Act of 1993, also known as the “Motor Voter” law. Among other things, the Act simplified registration forms and required states to make these forms readily available to civic organizations.¹⁷

Voter registration drives help ensure that all eligible Americans are registered to vote. In 2004, 49.6 million voter registration applications were submitted nationwide — four million more than in 2000.¹⁸ A large part of this surge was due to nonprofit voter registration drives. Available data from 2004, which was typical of other presidential election years, shows that large nonprofit organizations submitted at least 10 million new registrations — more than 20 percent of the total.¹⁹ In one Florida county, civic organizations registered 63 percent of all new voters.²⁰

These non-partisan efforts are especially important for registering Blacks and Hispanics, who traditionally have lower registration rates than whites. For example, Blacks and Hispanics are nearly twice as likely to register through a drive as whites.²¹ Equally important, this form of registration — which involves direct personal contact — results in voters who are more likely to go to the polls²² when compared with other common voter registration methods, such as registering at the DMV when renewing a driver’s license.

The fact that not only an increasing portion of minority, low-income, and younger citizens are registering to vote, but then casting ballots, is clear evidence of the importance of voter registration drives. This result is a compelling rationale to bolster registration drives, not curtail them. Unfortunately, the 2010 election saw a plunge in new voter registrations, which dropped almost 17 percent from the 2006 cycle.²³ This decline was accompanied by a dramatic decrease in voter registration drive activity for the first time in years.²⁴ These drops in registration rates and activities affirm the need to encourage greater involvement by the civic and nonprofit groups that engage new voters in the democratic process. Instead, as discussed below, there has been a growing effort to suppress voter registration drives, as part of a broader assault on voting rights.²⁵

III. STATE LAWS RESTRICTING VOTER REGISTRATION DRIVES

There has been a wave of new laws in recent years making it harder to vote, such as requiring a state-issued photo ID before casting a ballot or reducing the time for early voting. Additionally, several states have targeted community-based registration drives. In 2011 and 2012 alone, bills were introduced in at least eight states — California, Florida, Illinois, Michigan, Mississippi, Nevada, North Carolina, and South Carolina — to restrict registration drives.²⁶ Proponents of these laws argued these drives are susceptible to fraud and that voter registration is the gateway to the important right to vote. Therefore, to protect that right, voter registration should be made more difficult.²⁷ At the extreme end of the spectrum, some have maintained that by specifically empowering low-income voters to register, voter registration drives are “antisocial and un-American.”²⁸ As one Florida state Senator stated openly during debate on a measure to curb voter registration drives, “We do make it convenient for people to vote, but I gotta tell ya I wouldn’t even have any problem making it harder. . . . I want the people in the State of Florida to want to vote as badly as that person in Africa who is willing to walk 200 miles for that opportunity he’s never had before in his life. This should not be easy.”²⁹

Not all regulations concerning voter registration by community-based groups are misguided, unduly burdensome, or unconstitutional. But many are, and some of the most restrictive laws have been successfully challenged. Courts uniformly recognize that voter registration efforts are protected under the First Amendment. At least four times in three states, courts have blocked laws effectively ending or severely limiting private registration drives. In Florida, for instance, federal judges have twice blocked laws that shut down the state’s voter registration drives.³⁰ In one of the most recent cases, U.S. District Judge Robert Hinkle ruled that requiring groups to return collected forms within a mere 48-hours imposed an “onerous, perhaps virtually impossible burden,” and requiring volunteers to sign an inaccurate and intimidating sworn statement regarding criminal penalties “could have no purpose other than to discourage voluntary participation” in “constitutionally protected activities.”³¹ Likewise, an Ohio judge found that requirements for paid registration workers, including successful completion of a training program, as well as other restrictions on registration drives, impermissibly chilled voter registration groups.³² In Georgia, a judge blocked a law that only allowed drives to collect voter registration forms if applicants submitted them in sealed envelopes.³³ However, courts have upheld other laws governing drives when they find the measures have not significantly limited their activities.³⁴

More than half the states have laws governing voter registration drives. While these laws vary widely, certain patterns emerge. States that choose to regulate drives usually do so through one, or more, of these methods:

- 1) Official Volunteer Systems
- 2) Training Programs
- 3) Registration and Reporting Mandates
- 4) Return Deadlines and Penalties

There is significant variation in state regulation within each category.

1. OFFICIAL VOLUNTEER SYSTEMS

Before the Motor Voter law, many states required that state or local officials designate citizens registering voters as “deputy registrars.” These mandates left those registering voters at the mercy of government officials, who could withhold the official imprimatur from groups they did not favor. This discretion was vulnerable to abuse. In Illinois, for example, a Hispanic civic organization filed a class action after a county official sharply restricted the group’s capacity to conduct drives by allowing only two deputy registrars per organization.³⁵

The Motor Voter law effectively changed these requirements. It required states to make mail-in registration forms generally available “with particular emphasis on making them available for organized voter registration programs.”³⁶ Most interpreted this language as a directive to end state-controlled deputization of volunteers. But some states maintain some sort of certification process for volunteers, even if only on an optional basis.

States retaining an official sanctioning process today use various terms for those they certify. Voter registration volunteers may be designated “deputy,” “temporary,” “official,” “field,” “volunteer,” or “special” registrars. Overall, 13 states³⁷ have such systems. Only one state, Texas, still makes participation in its deputy registrar system mandatory for any person or group conducting a drive. In two other states — Delaware and Illinois — anyone collecting *state* voter registration forms (as opposed to the national voter registration form) must first become part of the official registrar system. Because community groups, as well as local election officials, generally prefer the state forms for voter registration, this places a premium on participation in the official volunteer system. Additionally, 11 states impose qualifications or grant officials discretion that could limit who becomes a certified volunteer (though non-certified volunteers may still help register voters).³⁸ For example, in Georgia, Illinois, Louisiana, and Missouri only a registered voter can become an official volunteer. And in Nebraska and Nevada, officials have complete discretion to approve or reject an official volunteer applicant.

Even where these regimes are not mandated, they can sow confusion and deter widespread participation. Registration groups may believe state certifications are required or confer some special status. Local officials may believe designations are mandatory, even if they are not, or use the system to limit or exclude drives. Ideally, many of these laws should be eliminated. But if the laws are going to remain, officials should not have the power to determine which individuals or which organizations can conduct registration drives.

2. TRAINING PROGRAMS

Eleven states regulate training for community-based voter registration groups.³⁹ And three of them — Colorado, New Mexico, and Texas — require it of all persons and groups registering voters. New Mexico and Texas require that everyone involved in registering voters attend training. In Colorado, the drive’s organizer must achieve a perfect score on an exam, and then train others in their group.

There is nothing wrong with encouraging training, especially if it is readily accessible and convenient. Yet, training is often not widely available or its content is left to the discretion of local election officials. For instance, Delaware, Illinois, and Nebraska all require training as part of their official volunteer systems, but

have no requirement that it is accessible. And Texas leaves training up to the state’s 254 county registrars, who are only required to offer “one training class per month,” and may also choose to supplement the state’s training standards with additional materials including a test.⁴⁰ When there are insufficient guarantees of availability, training requirements can become barriers. If a state only provides trainings at a few centralized locations or, as Texas allows, on an infrequent basis, many local groups and volunteers will not be able attend.

3. STATE REGISTRATION AND REPORTING MANDATES

The most recent trend to restrict voter registration groups is to impose a variety of registration and reporting requirements on volunteers or employees. This includes measures requiring groups to pre-register information about their organizational structure, their plans for registration efforts, periodic disclosure of their registration activities, and tracking requirement for each registration form. Six states — California, Colorado, Florida, New Mexico, Nevada, and Missouri — use some or all of these tools.

As passed, Florida’s recent law restricting drives added even more. Any “third party organization” seeking to register voters was required to electronically submit to the secretary of state the name and address of each person who will be registering voters. These names and addresses were to become a matter of public record, while the name and addresses of organizational officers and agents were to be listed on the secretary’s website. Additionally, each person registering voters was required to sign a sworn statement acknowledging that, “I understand the penalties for false registration may include a term of imprisonment up to 5 years and a fine up to \$5,000,” but that statement does not explain what constitutes “false” registration.⁴¹ However, a recent federal court injunction has blocked the state from enforcing many of these provisions.⁴²

These administrative requirements can be so burdensome that they substantially limit the number and scope of registration drives by community-based organizations. The sworn affidavit and public disclosure rules act as additional hurdles. These rules are especially intimidating to volunteers and employees for small organizations, such as churches and college groups.

4. RETURN DEADLINES AND PENALTIES

Many states require voter registration drives to return applications periodically, before the generally applicable deadline for a person to register to vote or update her registration (“book closing”). These return, or “turnaround,” deadlines range from 30 days to 48 hours, with most states setting deadlines of about 10 days. Although most groups can meet longer return deadlines, shorter deadlines can make drives practically impossible. Many groups conduct multi-day drives, often over weekends when election offices are closed. Also, before submitting registration forms to the appropriate elections offices, many drives gather all collected forms in a single secure location to review for completeness and follow-up with registrants if information is missing. From start to finish this process can take several days. And regardless of the length of a deadline, those enforced by heavy fines or criminal sanctions — even for innocent mistakes that may lead to delayed delivery — can have a chilling effect on voter registration activities and recruitment of volunteers and employees.

In total, 22 states impose a turnaround deadline prior to book closing,⁴³ of which most, 19, attach criminal or civil penalties for violations.⁴⁴ However, Florida’s law (as passed) and New Mexico’s law are particularly draconian, allowing only 48 hours, or two days, to submit collected forms, and attaching fines and civil penalties to even unintentional violations. And while California sets forth criminal penalties for negligently failing to meet its short three-day return deadline for drives collecting state voter registration cards, that rule does not apply to drives using the national voter registration form.

Meanwhile, in some states, the deadlines are not unusually short, but the potential criminal liability for unintended violations is a serious concern. Of course, it’s sensible for states to penalize registration fraud or the intentional withholding of collected forms. But in Missouri and South Dakota, for example, *any* “violation” of the return deadline triggers *criminal* liability. The laws do not specify if the violation must be willful. This leaves open the risk of criminal sanctions even if the late submission is the result of an innocent mistake.

Faced with the prospect of criminal prosecution or short return deadlines with fines for even accidental delays, it would not be surprising if groups lacking financial or legal resources simply choose to forgo voter registration altogether — as did groups in Florida prior to the court order blocking enforcement of the 48-hour return deadline.⁴⁵

The next section is a state-by-state summary of laws and regulations that fall within each category. Also included are additional state rules that govern voter registration efforts.

ENDNOTES

¹ See THE PEW CTR. ON THE STATES, *INACCURATE, COSTLY, AND INEFFICIENT 1* (2012), available at <http://www.pewstates.org/research/reports/inaccurate-costly-and-inefficient-85899378437> (reporting 51 million).

² See *Voting Age Population by Citizenship and Race (CVAP)*, U.S. CENSUS BUREAU (Feb. 16, 2012), http://www.census.gov/rdo/data/voting_age_population_by_citizenship_and_race_cvap.html (download Citizen Voting Age Population (CVAP) Special Tabulation from the 2006-2010 5-Year American Community Survey and then open folder labeled “state”) (estimated CVAP for California, 22,329,320; New York, 13,004,815; and Texas, 15,276,965).

³ See *Voting and Registration in the Election of November 2010 - Detailed Tables*, U.S. CENSUS BUREAU (2011), available at <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2010/tables.html> (download Table 4b).

⁴ John Mark Hansen, *Reports of the Task Force on the Federal Election System: Voter Registration*, in NAT’L COMM’N ON FED. ELECTION REFORM, *TO ASSURE PRIDE AND CONFIDENCE IN THE ELECTORAL PROCESS* 1, 3 (2001), available at <http://election2000.stanford.edu/task.force.report.8.2001.pdf>; see also JENNIFER ROSENBERG & MARGARET CHEN, BRENNAN CTR. FOR JUSTICE, *EXPANDING DEMOCRACY: VOTER REGISTRATION AROUND THE WORLD* 2-3 (2009), available at http://brennan.3cdn.net/3234b49c4234d92bf3_3km6i2ifu.pdf.

⁵ ROSENBERG & CHEN, *supra* note 4, at 2-3.

⁶ WENDY R. WEISER & LAWRENCE NORDEN, BRENNAN CTR. FOR JUSTICE, *VOTING LAW CHANGES IN 2012* 20 (2011), available at http://brennan.3cdn.net/92635ddafbc09e8d88_i3m6bjdeh.pdf.

⁷ See *infra* note 21.

⁸ See *infra* note 22.

⁹ First Amended Complaint for Declaratory and Injunctive Relief, ¶¶ 16, 24, *League of Women Voters of Florida v. Browning*, No. 4:11-CV-628-RH/WCS (N.D. Fla. May 31, 2012), available at http://brennan.3cdn.net/b1755fa08ec11d591a_x7m6b9edj.pdf.

¹⁰ Declaration of Cynthia Slater, ¶¶ 34-48, *League of Women Voters of Florida v. Browning*, No. 4:11-CV-628-RH/WCS (N.D. Fla. May 31, 2012), available at http://brennan.3cdn.net/2ce342b56bbca27450_etm6vint0.pdf.

¹¹ *League of Women Voters of Florida v. Browning*, No. 4:11-CV-628-RH/WCS, 2012 WL 1957793, at *1 (N.D. Fla. May 31, 2012).

¹² See *supra* note 5.

¹³ CHRISTOPHER PONOROFF, BRENNAN CTR. FOR JUSTICE, *VOTER REGISTRATION IN A DIGITAL AGE* (Wendy Weiser ed., 2010), available at http://brennan.3cdn.net/806ab5ea23fde7c261_n1m6b1s4z.pdf.

¹⁴ See *generally id.* at 12-13; WENDY WEISER, MICHAEL WALDMAN & RENÉE PARADIS, BRENNAN CTR. FOR JUSTICE, *VOTER REGISTRATION MODERNIZATION POLICY SUMMARY* 6-7 (2009), available at http://brennan.3cdn.net/b75f13413388b2fccc_ynm6bn112.pdf.

¹⁵ *League of Women Voters of Florida*, 2012 WL 1957793, at *11.

¹⁶ See, e.g., First Amended Complaint for Declaratory and Injunctive Relief, *supra* note 9, ¶ 15 (noting that the League of Women Voters has been conducting voter registration drives since 1920).

¹⁷ 42 U.S.C. § 1973gg-4(a)-(b) (2006).

¹⁸ Compare U.S. ELECTION ASSISTANCE COMM'N, A REPORT TO THE 109TH CONGRESS: THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT OF 1993 ON THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE 2003-2004 Executive Summary (2005), available at <http://www.eac.gov/assets/1/Page/NVRA%20Reports%20and%20Data%20Sets%202003%20-%202004.pdf> (49.6 million registrations processed), with U.S. ELECTION ASSISTANCE COMM'N, A REPORT TO THE 107TH CONGRESS: THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT OF 1993 ON THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE 1999-2000 1 (2001), available at <http://www.eac.gov/assets/1/AssetManager/The%20Impact%20of%20the%20National%20Voter%20Registration%20Act%20on%20Federal%20Elections%201999-2000.pdf> (45.6 million registrations processed).

¹⁹ See WEISER & NORDEN, *supra* note 6, at 20.

²⁰ *Id.*

²¹ In 2004, while 7.4% of non-Hispanic whites registered with private drives, 12.7% of Blacks and 12.9% of Hispanics did the same. *Voting and Registration in the Election of November 2004 - Detailed Tables*, U.S. CENSUS BUREAU (2006), <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2004/tables.html> (download Table 14). In 2008, African Americans and Hispanics nationally remained almost twice as likely to register through a voter registration drive as whites. While 5% of non-Hispanic whites registered at private drives, 11.1% of African-Americans and 9.6% of Hispanics did the same. *Voting and Registration in the Election of November 2008 - Detailed Tables*, U.S. CENSUS BUREAU (2009), <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2008/tables.html> (download Table 14). And, in the most recent year for which data is available, the 2010 election, 4.4% of non-Hispanic whites registered at private drives, as compared to 7.2% of African-Americans and 8.9% of Hispanics. *Voting and Registration in the Election of November 2010 - Detailed Tables*, *supra* note 3 (download Table 12).

²² Declaration of Lisa García Bedolla Submitted in Further Support of Plaintiffs' Motion for Preliminary Injunction, ¶¶ 11-14, *League of Women Voters of Florida v. Browning*, No. 4:11-CV-628-RH/WCS (N.D. Fla. May 31, 2012), available at http://brennan.3cdn.net/336b484681def70b38_gqm6b44fw.pdf (citing studies regarding positive impact of voter registration drives on registration and voting turnout); see also Affidavit of Donald P. Green on Behalf of Plaintiffs, ¶¶ 7, 9, 12, *League of Women Voters of Florida v. Cobb*, No.06-21265-CIV-SEITZ/MCALILEY (S.D. Fla. Aug. 28, 2006), available at http://brennan.3cdn.net/d746da3bb621632d42_3pm6iig76.pdf.

²³ During the 2008-10 voter registration cycle 14.4 million applications nationwide were from new registrants who were not previously registered in a local jurisdiction or had not previously registered in any jurisdiction. This is a 16.8% drop from the last voter registration cycle that coincided with a national midterm election: during the 2004-2006 period there were 17.3 million new registrants. U.S. ELECTION ASSISTANCE COMM'N, A REPORT TO THE 112TH CONGRESS: THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT OF 1993 ON THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE 2009-2010 1 (2011), available at <http://www.eac.gov/assets/1/Documents/2010%20NVRA%20FINAL%20REPORT.pdf>.

²⁴ See WEISER & NORDEN at 20, *supra* note 6.

²⁵ See generally WEISER & NORDEN, *supra* note 6.

²⁶ *Id.* at 21 (discussing bills introduced, passed, and failed in 2011 in CA, FL, IL, MS, NV and NC). In the 2012 session, restrictive bills introduced in Michigan and South Carolina made significant headway but ultimately failed. In Michigan, Governor Rick Snyder vetoed legislation that, among other requirements, mandated state-approved training for all drives. See S.B. 754, 96th Leg. Reg. Sess. (Mich. 2011-12), available at <http://www.legislature.mi.gov/%28S%28jw3ebbnlx14hgvidulgnn3zp%29%29/mileg.aspx?page=getObject&objectName=2011-SB-0754> (bill vetoed July 3, 2012) (last visited July 5, 2012). In South Carolina, a bill that mirrored the recently enjoined Florida legislation, see *supra* notes 9-11, died in committee at the end of session. See H. 4549, 119th Gen. Assemb., 2d Reg. Sess. (S.C. 2011-12), available at <http://www.scstatehouse.gov/billsearch.php?billnumbers=4549&session=&summary=B> (recommitted to committee on March 1, 2012) (last visited July 5, 2012); SOUTH CAROLINA LEGISLATURE

WEBSITE, <http://www.scstatehouse.gov/> (stating that the South Carolina General Assembly has recessed *sine die*) (last visited July 5, 2012).

²⁷ See Jerome R. Stockfisch & Lindsay Peterson, *Bill Cutting Early Voting Hours Heads to Governor*, TAMPA BAY ONLINE (May 5, 2011, 8:24 PM), available at <http://www2.tbo.com/news/politics/2011/may/05/bill-cutting-early-voting-hours-heads-to-governor-ar-205181/>; Catherine Whittenburg & Lindsay Peterson, *Bill Would Cut Early Voting Period in Florida to 7 Days*, TAMPA BAY ONLINE (Apr. 28, 2011), <http://www2.tbo.com/news/breaking-news/2011/apr/28/bill-would-cut-early-voting-period-in-florida-to-7-ar-203024/>.

²⁸ Ryan J. Reilly, *Columnist: Registering Poor to Vote 'Like Handing Out Burglary Tools to Criminals,'* TPM MUCKRAKER (Sept. 2, 2011, 5:05 PM), http://tpmmuckraker.talkingpointsmemo.com/2011/09/columnist_registering_poor_to_vote_like_handing_out_burglary_tools_to_criminals.php.

²⁹ 2011 Fla. Senate Deb., Reg. Sess. (May 5, 2011) (statement of Sen. Bennett).

³⁰ See League of Women Voters of Florida, 2012 WL 1957793; League of Women Voters of Florida. v. Cobb, 447 F. Supp. 2d 1314 (S.D. Fla. 2006).

³¹ League of Women Voters of Florida, 2012 WL 1957793, at *4, *8; see also League of Women Voters of Florida, 447 F. Supp. 2d 1314 (holding draconian fines created too great a risk for nonprofit organizations).

³² See Project Vote v. Blackwell, 455 F. Supp. 2d 694, 702-03 (N.D. Ohio 2006); Project Vote v. Blackwell, No. 1:06 cv 1628, 2008 WL 397585 (N.D. Ohio Feb. 11, 2008)..

³³ See ACORN v. Cox, No. 1:06-cv-01891-JTC (N.D. Ga. Sept. 27, 2006), available at http://moritzlaw.osu.edu/electionlaw/litigation/documents/ORDERgrantingPlaintiffsMotionforPreliminaryInjunction_000.pdf.

³⁴ See League of Women Voters of Florida v. Browning, 575 F. Supp. 2d 1298 (S.D. Fla. 2008); Am. Ass'n of People with Disabilities v. Herrera, 580 F. Supp. 2d 1195 (D.N.M. 2008).

³⁵ Hernandez v. Woodard, 714 F. Supp. 963 (N.D. Ill. 1989).

³⁶ 42 U.S.C. § 1973gg-4(b) (2006).

³⁷ California, Delaware, Georgia, Illinois, Louisiana, Maine, Maryland, Missouri, Nebraska, Nevada, Texas, West Virginia, and Wisconsin.

³⁸ Arizona, Georgia, Illinois, Louisiana, Maine, Maryland, Missouri, Nebraska, Nevada, Texas, and West Virginia.

³⁹ California, Colorado, Delaware, Georgia, Illinois, Maryland, Nebraska, New Mexico, Texas, West Virginia, and Wisconsin.

⁴⁰ Election Advisory No. 2012-04, Keith Ingram, Tex. Sec'y of State, Training for Volunteer Deputy Registrars § 3:1-:2 (Mar. 12, 2012), available at <http://www.sos.state.tx.us/elections/laws/advisory2012-04.shtml>.

⁴¹ See FLA. DIV. OF ELECTIONS, FORM DS-DE 120 – THIRD-PARTY VOTER REGISTRATION ORGANIZATION REGISTRATION AGENT'S SWORN STATEMENT (2011), available at <http://election.dos.state.fl.us/rules/adopted-rules/pdf/dsde120.pdf>.

⁴² As of May 31, 2012, the sworn declaration and several other of the pre-registration and reporting provisions of the Florida law were preliminarily enjoined as unconstitutionally burdensome. See League of Women Voters of Florida, 2012 WL 1957793. Additionally, pursuant to the Voting Rights Act, the law and administrative rule are not being implemented in five covered jurisdictions, Collier, Hardee, Hendry, Hillsborough, and Monroe Counties

until, and unless, preclearance is granted by a federal district court. *See Florida v. United States*, 820 F. Supp. 2d 85, 87 (D.D.C. 2011).

⁴³ Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Louisiana, Maine, Maryland, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Ohio, Oregon, South Dakota, Texas, Virginia, Washington, and West Virginia.

⁴⁴ Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Louisiana, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Ohio, South Dakota, Texas, Virginia, Washington, and West Virginia.

⁴⁵ *See, e.g.*, Affidavit of Deirdre Macnab Submitted in Support of Plaintiffs' Motion for Preliminary Injunction, ¶¶ 65-70, *League of Women Voters of Florida v. Browning*, No. 4:11-CV-628-RH/WCS (N.D. Fla. May 31, 2012), available at http://brennan.3cdn.net/bc476c83e79a18301e_0xm62udbu.pdf.

IV. STATE-BY-STATE SURVEY

When states regulate voter registration drives, it directly affects who participates in the electoral process, and who is permitted to assist them. This survey provides a state-by-state snapshot of the following four categories of restrictions.

1) Official Volunteer Systems

- Laws requiring official certification or authorization to conduct voter registration drives.

2) Training Programs

- Laws offering or requiring a specified course of training before conducting voter registration drives.

3) State Registration & Reporting Requirements

- Laws requiring groups to first register with the State and maintain or submit various records and reports related to drives.

4) Return Deadlines & Penalties

- Laws requiring the submission of collected voter registration applications prior to the general book closing deadline, and imposing penalties for violations of the return deadline or violations of other rules.

For almost every state, the Brennan Center provided the chief election official with an opportunity to edit the summary. Revised drafts were returned to the official for final review.

These summaries are not intended as, and do not constitute, legal advice. They are provided for informational and educational use only. For more information, including specific voter registration requirements, or any revisions to the laws described, contact the elections office listed for each state.

ALABAMA

No specific regulation of community-based voter registration identified.

For More Information:

Elections Division, Voter Registration

State Capitol

600 Dexter Avenue, Room E-210

Montgomery, AL 36130

(334) 242-7210

<http://www.sos.state.al.us/Elections>

ALASKA

No specific regulation of community-based voter registration identified.

For More Information:

Division of Elections
Court Plaza Building
240 Main Street, 4th Floor
Juneau, AK 99801
(907) 465-4611
<http://www.elections.alaska.gov/>

ARIZONA

Official Volunteer System:	No	For More Information: Election Services Capitol Executive Tower, 7th Floor 1700 West Washington Street Phoenix, AZ 85007-2888 (602) 542-8683 http://www.azsos.gov/election/
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	No	
Other:	Yes	

Although the Arizona statute still includes a provision that allows for an official volunteer system, according to the State Election Director it is no longer in use.¹ Under that provision, a county recorder could appoint qualified electors, without pay, as deputy registrars to assist in registering voters.²

The county recorder may provide voter registration forms in quantity to groups conducting voter registration drives.³ The Secretary of State's Office encourages groups collecting forms to contact a county recorder, or its office, for guidance on information an applicant must include on a registration form.⁴

¹ Correspondence from Amy B. Chan, Election Director to Lianna Reagan, Research Associate Brennan Ctr. for Justice (May 22, 2012) (on file with author); *see also* ARIZ. REV. STAT. ANN. § 16-131(D) (2012).

² ARIZ. REV. STAT. ANN. § 16-131(D) (2012).

³ ARIZ. REV. STAT. ANN. § 16-131(E) (2012).

⁴ Correspondence from Amy B. Chan, Election Director to Lianna Reagan, Research Associate Brennan Ctr. for Justice (May 22, 2012) (on file with author).

ARKANSAS

Official Volunteer System: No	For More Information: Elections Division State Capitol, Room 026 Little Rock, AR 72201 (501) 682-5070 http://www.sos.arkansas.gov/elections/
Training: No	
Registration & Reporting: No	
Return Deadline & Penalties: 21 Days	
Other: No	

Arkansas requires anyone who accepts a completed voter registration application from another person to return it to the County Clerk or the Secretary of State within 21 days of the date on the voter registration application, or no later than 30 days prior to the next election, whichever comes first.⁵ Willful violation of the return deadline is a misdemeanor,⁶ punishable by a fine of up to \$2,500 or up to a year in jail.⁷ More severe penalties can apply for malicious or intentional acts to destroy, steal, mutilate or detain voter registration forms.⁸

CALIFORNIA

Official Volunteer System: Optional	For More Information: Elections Division 1500 11th Street, 5th Floor Sacramento, CA 95814 (916) 657-2166 http://www.sos.ca.gov/elections/
Training: Optional	
Registration & Reporting: Yes	
Return Deadline & Penalties: 3 Days	
Other: Yes	

California maintains an optional official volunteer system. The law allows “interested individuals and organizations” to become “deputy registrars” and thereby register voters following the same procedures as government elections officials.⁹ Non-government individuals and organizations that register voters are subject to pre-registration, turnaround deadlines and various other requirements. The California Secretary of State provides an optional training guide that can be [read online](#).¹⁰

⁵ ARK. CONST. amend 51, § 9.

⁶ ARK. CONST. amend 51, § 15 (c).

⁷ ARK. CODE ANN. §§ 5-1-107, 5-4-201, 5-4-401 (2012).

⁸ ARK. CONST. amend 51, § 15 (a).

⁹ CAL. ELEC. CODE § 2103(b) (Deering 2012).

¹⁰ Cal. Sec’y of State, GUIDE TO VOTER REGISTRATION DRIVES (last revised February 2012), available at <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>.

Large quantities of voter registration forms, which are self-addressed with postage prepaid by the Secretary of State, may be obtained from a county elections official or the Secretary of State.¹¹ Those seeking more than 50 state voter registration cards must complete a request form that includes a distribution plan. The distribution plan should describe the planned voter registration drive, what groups will be targeted, what methods will be used to distribute registration forms, and an acknowledgement that organizers know and will follow the laws and rules related to voter registration.¹²

Any person who collects a state voter registration form must complete the detachable receipt, providing his or her address and telephone number, and give it to the person registering to vote.¹³ Any person paid to collect voter registrations must include his or her full name, telephone number, address, employer's name and telephone number, and their signature on each registration form collected.¹⁴ Individuals or organizations that compensate others to collect voter registration forms are required to retain for three years (and produce on demand) the names, addresses, and telephone numbers of each of their employees, and a signed acknowledgement of each employee's receipt of a statement describing their duties under the law.¹⁵

All individuals and organizations that collect completed state voter registration forms are required to return those forms to county elections officials or deposit the forms in the postal service within three days of their receipt from voters (excluding weekends and state holidays), or before the close of registration, whichever is earlier.¹⁶ Unused registration cards must be returned to elections officials upon completion of the distribution plan.¹⁷

Knowingly or negligently failing to return a completed state voter registration form by the deadline is a misdemeanor, punishable by a fine up to \$1,000.¹⁸ Any deputy registrar who "knowingly neglects or refuses to return affidavits of registration" is also guilty of a misdemeanor, and shall be reported to the county district attorney.¹⁹ The willful failure to provide a completed registration form receipt to an applicant is an infraction, punishable by a fine up to \$200.²⁰

Additional penalties apply to drives that compensate volunteers or employees for collecting forms. People who are compensated for collecting registration forms and fail to include their information on the form are guilty of a misdemeanor punishable by a \$1,000 fine or six months in jail or, if the violation is found to be willful, one year.²¹ A third or subsequent conviction is punishable by a \$10,000 maximum fine or one year in jail, or both.²² Failure to comply with the recordkeeping requirements for people or organizations compensating others to collect forms is a misdemeanor punishable by a \$1,000 fine or up to six months in jail

¹¹ CAL. ELEC. CODE §§ 2157(a)(8), 2158(b).

¹² CAL. CODE REGS. tit. 2, § 20001(g) (2012); *see also* Cal. Sec'y of State, Guide to Voter Registration Drives (last revised February 2012), *available at* <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>.

¹³ CAL. ELEC. CODE § 2158(b)(1) (Deering 2012).

¹⁴ CAL. ELEC. CODE § 2159(a) (Deering 2012).

¹⁵ CAL. ELEC. CODE § 2159.5(a) (Deering 2012).

¹⁶ CAL. ELEC. CODE §§ 2138, 18103 (Deering 2012).

¹⁷ CAL. ELEC. CODE § 2139 (Deering 2012).

¹⁸ CAL. ELEC. CODE §§ 18103, 18104 (Deering 2012).

¹⁹ CAL. ELEC. CODE § 18104 (Deering 2012).

²⁰ CAL. ELEC. CODE § 18107 (Deering 2012).

²¹ CAL. ELEC. CODE § 18108(a) (Deering 2012).

²² CAL. ELEC. CODE § 18108(b) (Deering 2012).

or both, or if the violation is found to be willful, up to one year.²³ A third or subsequent conviction is punishable by a maximum \$10,000 fine or up to one year in jail.²⁴ When an individual, company, or organization that compensates persons to collect forms submits three or more forms that do not comply with the law (false registrations, defacement of party affiliation, etc.), the elections official shall notify the employer and may forward the forms to the district attorney for possible criminal prosecution.²⁵

COLORADO

Official Volunteer System:	No	For More Information: Elections & Voting 1700 Broadway, Suite 200 Denver, CO 80290 (303) 894-2200 ext. 6307 http://www.sos.state.co.us/pubs/elections/
Training:	Yes	
Registration & Reporting:	Yes	
Return Deadline & Penalties:	15 Days	
Other:	Yes	

Colorado requires all voter registration drives to register with the state.²⁶ This requirement applies to any two or more persons who distribute and collect voter registration applications for delivery to election officials.²⁷

Colorado law requires that the organizer of a drive must file a signed “statement of intent” listing the name and contact information of the organization, the name and contact information of the person organizing the drive and an agent who is a resident of Colorado.²⁸ Any changes to the statement of intent shall be filed within three business days after the changes occur.²⁹ The “statement of intent” may be filed up to 30 days before a general election,³⁰ and it expires at the end of the calendar year.³¹

Groups cannot conduct voter registration drives until they successfully complete training and testing.³² The organizers of voter registration drives must complete the state-provided, [online training](#),³³ which requires taking a test and answering all questions correctly.³⁴ The training and test must be repeated each calendar year the organizer conducts a drive.³⁵ Organizers who pass the test must train individual circulators using materials provided by the Secretary of State and keep on file signed attestations from each circulator.³⁶

²³ CAL. ELEC. CODE § 18108.5(a) (Deering 2012).

²⁴ CAL. ELEC. CODE § 18108.5(b) (Deering 2012).

²⁵ CAL. ELEC. CODE § 18108.5(c) (Deering 2012).

²⁶ COLO. REV. STAT § 1-2-701(1) (2011).

²⁷ COLO. REV. STAT § 1-1-104(50.4) (2011).

²⁸ COLO. REV. STAT § 1-2-701(1) (2011); COLO. CODE REGS § 1505-1 (44.1.1) (2012).

²⁹ COLO. CODE REGS § 1505-1 (44.1.2) (2012).

³⁰ COLO. CODE REGS § 1505-1 (44.1.4) (2012).

³¹ COLO. CODE REGS §1505-1 (44.1.1(d)) (2012).

³² COLO. CODE REGS §1505-1 (44.2.2) (2012).

³³ COLO. CODE REGS §1505-1 (44.2.1) (2012).

³⁴ COLO. CODE REGS §1505-1 (44.2.5) (2012).

³⁵ COLO. CODE REGS §1505-1 (44.2.7) (2012).

³⁶ COLO. CODE REGS §1505-1 (44.2.2) (2012).

The regulations provide that the Secretary of State shall assign a unique number (the “VRD number”) to each voter registration drive after the organizer completes the training.³⁷ The Secretary may deny a VRD number if the Secretary cannot verify the information on the “statement of intent,”³⁸ or if the organizer has not scored 100 percent on the test. Organizations may not engage in voter registration drives until the Secretary issues a VRD number.³⁹ Once the Secretary of State approves the voter registration drive, the name of the organization and a contact person is [posted](#) on the Secretary of State’s website.⁴⁰

Voter registration drives must use registration application forms approved by the Secretary of State.⁴¹ The regulations authorize use of both the federal form and special state forms, but use of state forms is encouraged. The state forms include a tear-off receipt, and voter registration organizers are required to write the VRD number on the application form and on the tear-off receipt,⁴² and ensure that the applicant receives the receipt.⁴³ If the voter registration organization provides a link to a voter registration application on its website, it must direct the applicant to send the form to the appropriate county election official, not to the organization.⁴⁴

All voter registration circulators are required by law to submit completed registration forms to the voter registration organizer. It further requires the organizer to deliver or postmark the applications to the appropriate county election officials within 15 business days after the application is signed, and within five business days during the 30 days prior to a book-closing deadline.⁴⁵

A voter registration drive organizer who either conducts a voter registration drive without filing a statement of intent, fails to maintain a designated agent with the state, who uses a voter registration application form other than one approved by the Secretary of State,⁴⁶ or who fails to complete the training requirements mandated by the Secretary of State,⁴⁷ can face a civil fine of up to \$500.

Willful failure to submit a voter registration application to the proper county clerk and recorder in the prescribed manner and within the prescribed turnaround time can result in a maximum fine of \$50 per each business day of violation past the turnaround deadline.⁴⁸ An organizer who has been fined three or more times for such failure may be fined an additional \$1,000.⁴⁹ Any intentional failure to deliver a form within the specified period is punishable by a fine up to \$5,000.⁵⁰

³⁷ COLO. CODE REGS §1505-1 (44.3.1)) (2012).

³⁸ COLO. CODE REGS §1505-1 (44.1.3) (2012).

³⁹ COLO. CODE REGS §1505-1 (44.4.5) (2012).

⁴⁰ COLO. CODE REGS §1505-1 (44.3.1(c)) (2012).

⁴¹ COLO. REV. STAT. § 1-2-702(1) (2011).

⁴² COLO. CODE REGS § 1505-1 (44.4.3) (2012).

⁴³ COLO. CODE REGS § 1505-1 (44.4.4) (2012).

⁴⁴ COLO. CODE REGS § 1505-1 (44.4.6) (2012).

⁴⁵ COLO. REV. STAT. § 1-2-702(2) (2011).

⁴⁶ COLO. REV. STAT. § 1-2-703(1) (2011).

⁴⁷ COLO. REV. STAT. § 1-2-703(2) (2011).

⁴⁸ COLO. REV. STAT. § 1-2-703(3)(a) (2011).

⁴⁹ COLO. REV. STAT. § 1-2-703(3)(b) (2011).

⁵⁰ COLO. REV. STAT. § 1-2-703(3)(c) (2011).

Additionally, a voter registration drive organizer can face a fine of up to \$1,000 if a circulator is compensated based on the number of forms circulated or collected.⁵¹

CONNECTICUT

No specific regulation of community-based voter registration identified.

For More Information:

Legislation and Election Administration
 30 Trinity Street
 Hartford, CT 06106
 (860) 509-6100

<http://www.sots.ct.gov/sots/cwp/view.asp?a=3&Q=415810&sotsNav=|>

DELAWARE

<p>Official Volunteer System: Optional</p> <p>Training: Optional</p> <p>Registration & Reporting: Optional</p> <p>Return Deadline & Penalties: Varies</p> <p>Other: Yes</p>	<p>For More Information: Office of the State Election Commissioner 905 South Governors Avenue, Suite 170 Dover, DE 19904 (302) 739-4277 http://elections.delaware.gov/#</p>
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Voter registration drives distributing and collecting state registration forms must register with the State Commissioner of Elections and complete a “temporary registrar” training program. Individuals and drives collecting federal forms are not required to register or complete training.⁵²

Voter registration drives distributing and collecting state registration forms must register with the State Commissioner of Elections before commencing registration efforts.⁵³ This requirement applies to discrete voter registration drives as well as drives run on a continuing basis.⁵⁴ The application must include the name and address of the organization; the place or places where registration will take place; the name, address, and phone number of the chief official of the organization; the target audience or scope of the drive; the name, address, and phone number of the organizer of the drive; attestation by the chief official of the organization that he has authorized the drive; and the number of applications requested.⁵⁵

⁵¹ COLO. REV. STAT. § 1-2-703(4) (2011).

⁵² Telephone Interview with Anthony Albence, Director, Department of Elections, New Castle Cnty., Del. (Mar. 9, 2012).

⁵³ DEL. CODE ANN. tit. 15, § 2060 (2012).

⁵⁴ DEL. CODE ANN. tit. 15, § 2060 (2012).

⁵⁵ DEL. CODE ANN. tit. 15, § 2060 (2012).

Registration drives using state forms must also have a trained “temporary registrar.” Only persons trained by personnel from the office of the State Election Commissioner can serve as temporary registrars.⁵⁶ The State Election Commissioner is also charged with developing a training program for other persons responsible for planning, organizing and operating a voter registration activity or drive registered with the state.⁵⁷ The Commissioner must approve all drive applications as long as there is a scheduled training date before the drive, and the entity does not have a record of previous violations of the registration rules.⁵⁸

State voter registration forms and other required materials can be obtained as directed by the State Election Commissioner.⁵⁹ There is no formal limit as to how many forms can be given to a group at one time, when these forms need to be requested, or how many forms must returned before new forms can be received.⁶⁰

For discrete voter registration drives using state voter registration forms, completed applications, as well as unused applications, voided or damaged applications, and excess materials must be returned within five days after the end of the drive.⁶¹ For a continuing voter registration drive, all completed applications must be submitted at least once every five working days.⁶²

Any registered entity that fails to comply with any of the requirements may be fined up to \$1,000, and denied permission to conduct a voter registration drive or otherwise be involved in the voter registration process for up to five years.⁶³

DISTRICT OF COLUMBIA

No specific regulation of community-based voter registration identified.

For More Information:

Board of Elections & Ethics
441 4th Street NW, Suite 250 North
Washington, DC 20001
(202) 727-2525
<http://www.dcboee.us/>

⁵⁶ DEL. CODE ANN. tit. 15, § 2060(5) (2012).

⁵⁷ DEL. CODE ANN. tit. 15, § 2061 (2012).

⁵⁸ DEL. CODE ANN. tit. 15, § 2062 (2012).

⁵⁹ DEL. CODE ANN. tit. 15, § 2063(a) (2012).

⁶⁰ Telephone Interview with Anthony Albence, Director, Department of Elections, New Castle Cnty., Del. (Mar. 9, 2012).

⁶¹ DEL. CODE ANN. tit. 15, § 2063(b) (2012).

⁶² DEL. CODE ANN. tit. 15, § 2063(c) (2012).

⁶³ DEL. CODE ANN. tit. 15, § 2063(e) (2012).

FLORIDA

Official Volunteer System: No Training: No Registration & Reporting: Yes Return Deadline & Penalties: 48 hours* Other: Yes * 48 hr. deadline enjoined by federal court	For More Information: Division of Elections Room 316, R.A. Gray Building 500 Bronough Street Tallahassee, FL 32399-0250 (850)245-6200 http://election.dos.state.fl.us/
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In 2011, Florida enacted new restrictions on community-based voter registration. On May 31, 2012, a U.S. District Court blocked the state from enforcing the new law because it found several key components unconstitutionally burdensome.⁶⁴ Additionally, because of the Voting Rights Act, these restrictions are unenforceable in five counties — Hendry, Collier, Hardee, Hillsborough, and Monroe — until they receive federal “preclearance.” A federal court is currently considering Florida’s petition for preclearance, which is being challenged by numerous civic and voting rights groups, including some represented by the Brennan Center.⁶⁵

Any third party organization — defined as an organization, entity, or person who collects or solicits for collection a voter registration form from another person who is not their spouse, child, or parent — must pre-register with the Florida Division of Elections before conducting registration activity.⁶⁶ Pre-registration requires, among other things, electronic submission of the name and address of each employee or volunteer who will be registering voters on the organization’s behalf, called the organization’s “registration agents.”⁶⁷ As passed, the law would require each registration agent to sign a sworn declaration acknowledging felony criminal penalties for false registration before he or she may help register voters.⁶⁸ However, this requirement is now blocked by a federal court order.⁶⁹ Each registered third-party organization will be issued a unique identifying number and that number must be recorded on each completed voter registration application the organization collects and submits to state election officials.⁷⁰ Information the state collects from voter registration organizations is to be updated daily and is a public record.⁷¹ Much of an organization’s pre-registration information, including the names of “responsible individuals,” will be publicly available online.⁷²

⁶⁴ League of Women Voters of Florida. v. Browning, No. 4:11-CV-628-RH/WCS, 2012 WL 1957793 (N.D. Fla. May 31, 2012).

⁶⁵ See Florida v. United States, 820 F. Supp. 2d 85, 87 (D.D.C. 2011).

⁶⁶ FLA. STAT. § 97.021(37) (2011); FLA. ADMIN. CODE ANN. r. 1S-2.042(5)(b) (2011)

⁶⁷ FLA. STAT. § 97.0575(1) (c) (2011).

⁶⁸ FLA. STAT. § 97.0575(1)(d) (2011).

⁶⁹ League of Women Voters of Florida. v. Browning, No. 4:11-CV-628-RH/WCS, 2012 WL 1957793, at *11-12 (N.D. Fla. May 31, 2012).

⁷⁰ FLA. ADMIN. CODE ANN. r. 1S-2.042(3)(b), (4)(a) (2011).

⁷¹ FLA. STAT. § 97.0575(2) (2011).

⁷² Fla. Dep’t. of State, Div. of Elections, *Third Party Voter Registration Organizations*, <http://tpvr.election.myflorida.com/> (last visited June 5, 2012).

The new law also required organizations to account for every state and federal form the organization handled, including unused forms. Monthly reports were to be submitted by the 10th of the month for information about the preceding month, even if there was no registration activity.⁷³ And organizations were required to notify the state within 10 days of any change in the status of individual registration agents.⁷⁴ Each of these reporting requirements is currently enjoined, in whole or in part, by the U.S. District court.

The statute requires registered organizations to submit completed forms to state officials within 48 hours or the next business day if the appropriate office is closed for the 48-hour period.⁷⁵ The recent court order enjoins this deadline and any deadline less than 10 days (which was the return deadline under the prior version of the law).⁷⁶

Failure to return a completed form within the return deadline is punishable by a \$50 fine per form, or \$250 per form if the violation is willful. Failure to return completed forms by the general registration deadline is punishable by a \$100-per-form fine, or \$500 per form if the violation is willful. Failure to return a form to election officials is punishable by \$500 per form or \$1,000 per form if the violation is willful. A third party organization cannot be fined more than a total of \$1,000 for all violations in a calendar year.⁷⁷

The Secretary of State may refer to the Attorney General any reasonable concerns about a person who may have violated the third-party restrictions. The Attorney General may bring a civil action for a violation or seek an injunction to prevent a violation, a restraining order, or any other appropriate order.⁷⁸

In addition, it is a third degree felony to compensate an individual based on the number of registration forms collected.⁷⁹ Drives requesting 10,000 or more registration applications will be charged 1 cent per application.⁸⁰

⁷³ FLA. ADMIN. CODE ANN. r. 1S-2.042(5)(a) (2011).

⁷⁴ FLA. ADMIN. CODE ANN. r. 1S-2.042(3)(e) (2011).

⁷⁵ FLA. STAT. § 97.0575(3)(a) (2011).

⁷⁶ League of Women Voters of Florida. v. Browning, No. 4:11-CV-628-RH/WCS, 2012 WL 1957793, at *11 (N.D. Fla. May 31, 2012).

⁷⁷ FLA. STAT. § 97.0575(3)(a) (2011).

⁷⁸ FLA. STAT. § 97.0575(4) (2011).

⁷⁹ FLA. STAT. § 104.012(3) (2011).

⁸⁰ FLA. STAT. § 97.052 (2011).

GEORGIA

Official Volunteer System: Optional Training: Optional Registration & Reporting: No Return Deadline & Penalties: 10 Days Other: Yes	For More Information: Elections Office 2 Martin Luther King Jr. Dr. Suite 802 Floyd West Tower Atlanta, GA 30334 (404) 656-2871 http://www.sos.ga.gov/elections/
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Georgia maintains an optional official volunteer system (“deputy registrar”). To become a deputy registrar, a person must be a registered voter in Georgia, proficient in the English language, have legible handwriting unless the voter registration applications are to be typed, and must have satisfactorily completed a training specified by the board of registrars.⁸¹ Persons convicted of a felony or “any crime involving fraud or moral turpitude” are prohibited from becoming deputy registrars.⁸² While registering voters, deputy registrars must wear a nametag identifying them as a deputy registrar of the county.⁸³ Deputy registrars may register voters at designated registration places but are required to transmit completed voter registrations to the main office of the board of registrars no later than the end of the next business day.⁸⁴

Anyone who does not become a deputy registrar can still participate in a private “voter registration program.”⁸⁵ The board of registrars is required to provide voter registration training to groups that request it.⁸⁶ Voter registration programs are required to provide applicants with various specified information about requirements and rights related to registration.⁸⁷ Voter registration programs are required to comply with various restrictions including, for example, that private drives cannot be conducted in places where alcohol is sold and consumed or where it is known that illegal activity is being conducted;⁸⁸ cannot refuse to transmit a properly completed registration form collected from any qualified voter or make statements that would discourage a qualified applicant from registering;⁸⁹ and cannot make archival copies of registration forms without the applicant’s express written consent.⁹⁰ Non-deputized registration drives must transmit forms within 10 days of receipt. If it is within 14 days of the close of registration, forms must be transmitted within 72 hours of completion by the applicant, or by the close of registration, whichever is earlier.⁹¹

⁸¹ GA. COMP. R. & REGS. 183-1-6.03 (2009).

⁸² GA. COMP. R. & REGS. 183-1-6.03(2)(a) (2009).

⁸³ GA. COMP. R. & REGS. 183-1-6.03(2)(b) (2009).

⁸⁴ GA. CODE ANN. § 21-2-215(h) (2011).

⁸⁵ GA. COMP. R. & REGS. 183-1-6-.02 (2009).

⁸⁶ GA. COMP. R. & REGS. 183-1-6.02(5) (2009).

⁸⁷ GA. COMP. R. & REGS. 183-1-6 (2009).

⁸⁸ GA. COMP. R. & REGS. 183-1-6.02(7)(e), (h) (2009).

⁸⁹ GA. COMP. R. & REGS. 183-1-6.02(7)(b), (c) (2009).

⁹⁰ GA. COMP. R. & REGS. 183-1-6.02(7)(g) (2009).

⁹¹ GA. COMP. R. & REGS. 183-1-6.02(8)(a) (2009).

After notice and an administrative hearing, the State Election Board may assess a civil penalty of up to \$5,000 per violation against any person for violation of any provisions of the election chapter or any rule or regulation promulgated under the chapter. Additionally, the State Election Board may also refer violations to the Attorney General to seek temporary injunctive relief or civil penalties.⁹²

HAWAII

Official Volunteer System: No Training: No Registration & Reporting: No Return Deadline & Penalties: No Other: Yes	For More Information: Office of Elections 802 Lehua Avenue Pearl City, HI 96782 (808) 453-8683 http://hawaii.gov/elections
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Hawaii explicitly authorizes reproduction of the state voter registration form and instructions.⁹³ If copied, the voter registration form must be reproduced in its entirety and may not be enlarged or reduced, or printed on glossy or newsprint-quality paper.⁹⁴ The form may not be included in or attached to campaign or informational literature unrelated to voter registration.⁹⁵

IDAHO

No specific regulation of community-based voter registration identified.

For More Information:

Elections Division
 State Capitol, East Wing, 2nd Floor
 700 West Jefferson, Room E205
 Boise, ID 83720
 (208) 334-2852
<http://www.sos.idaho.gov/elect/eleindex.htm>

⁹² GA. CODE ANN. § 21-2-33.1 (2011).

⁹³ HAW. CODE R. § 3-172-23 (Lexis Nexis 2010).

⁹⁴ HAW. CODE R. § 3-172-23(a)(1),(3)-(5) (Lexis Nexis 2010).

⁹⁵ HAW. CODE R. § 3-172-23(a)(2) (Lexis Nexis 2010).

ILLINOIS

Official Volunteer System: Optional	For More Information: State Board of Elections 2329 S. MacArthur Blvd. Springfield, IL 62704 (217) 782-4141 http://www.elections.il.gov/
Training: Official Volunteers	
Registration & Reporting: No	
Return Deadline & Penalties: Varies	
Other: Yes	

Illinois maintains an official volunteer system (“deputy registrar”) that is mandatory for drives using state registration forms and optional for drives using federal forms.⁹⁶ Potential deputy registrars must meet eligibility requirements and file a written request with the county clerk.⁹⁷

The county clerk must appoint as a deputy registrar all individuals who qualify, except that it may limit the appointments of those affiliated with civic and labor organizations.⁹⁸ The election authority must provide a written explanation if the application is denied.⁹⁹ All deputy registrars must be registered voters in the jurisdiction of the appointing election authority.¹⁰⁰ All registrars may accept registrations at any time other than the 27-day period before any election.¹⁰¹

Deputy registrars must be trained under the direction of the county clerk.¹⁰² Deputy registrars must return completed registration materials by first class mail within two business days or by personal delivery within seven days, which shortens to two days during the week before book-closing.¹⁰³ A deputy registrar’s failure to submit forms on time can result in revocation of the deputy registrar appointment.¹⁰⁴ Knowing violation of any of the laws governing deputy registrars constitutes a Class A misdemeanor,¹⁰⁵ punishable by up to one year in jail or up to a \$2,500 fine.¹⁰⁶

Voter registration drives using federal forms may operate outside of the deputy registrar system. Anyone can download federal mail-in registration forms, copy them, and distribute them to voters in a drive outside of the deputy registrar system. State officials do not encourage third parties to mail applications on behalf of voters,

⁹⁶ Correspondence from Ken Menzel, Deputy Gen. Counsel, Ill. State Board of Elections, to Jonathan Brater, Counsel, Brennan Ctr. for Justice (May 3, 2012) (on file with author).

⁹⁷ 10 ILL. COMP. STAT. 5/4-6.2(a), 5/5-16.2(a), 5/6-50.2(a) (2010) (eligible list includes but is not limited to librarians, school principals, officers of companies and organizations).

⁹⁸ 10 ILL. COMP. STAT. §§ 5/4-6.2(a), 5/5-16.2(a), 5/6-50.2(a) (2010).

⁹⁹ 10 ILL. COMP. STAT. 5/4-6.2(a), 5/5-16.2(a), 5/6-50.2(a)(7) (2010).

¹⁰⁰ 10 ILL. COMP. STAT. 5/4-6.2(a), 5/5-16.2, 5/6-50.2(a) (2010).

¹⁰¹ 10 ILL. COMP. STAT. 5/4-6.2(a), 5/5-16.2(a), 5/6-50.2(a) (2010).

¹⁰² 10 ILL. COMP. STAT. 5/4-6.2(b), 5/4-9, 5/5-8, 5/5-16.2(b), 5/6-36, 5/6-50.2(b) (2010).

¹⁰³ 10 ILL. COMP. STAT. 5/4-6.2(c), 5/5-16.2(c), 5/6-50.2(c) (2010).

¹⁰⁴ 10 ILL. COMP. STAT. 5/4-6.2(b), 5/16.2(b), 5/6-50.2(b) (2010).

¹⁰⁵ 10 ILL. COMP. STAT. 5/29-12 (2010).

¹⁰⁶ 730 ILL. COMP. STAT. 5/5-4.5-55(a), (e) (2010).

but the practice is not prohibited.¹⁰⁷ All persons accepting voter registration applications who are not deputy registrars are “encouraged” to transmit completed applications within 10 days after execution, or within five days if it is within five days of the book-closing deadline.¹⁰⁸

Election officials are required to make available both state and federal voter registration forms.¹⁰⁹ There is a 50-form limit for federal mail voter registration forms. Drives requesting more than 50 federal forms must submit a written distribution plan that details the states in which the forms will be distributed and the quantities distributed in each state. The state will charge the requesting party if they seek more than 200 federal forms.¹¹⁰ There is no specific limit on the number of state voter registration forms provided to drives operating under the deputy registrar system.

INDIANA

Official Volunteer System: No Training: No Registration & Reporting: No Return Deadline & Penalties: Yes Other: No	For More Information: Election Division 302 West Washington Street Room E-204 Indianapolis, IN 46204 (317) 232-3939 http://www.in.gov/sos/elections/
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Indiana allows third parties to submit voter registration forms on behalf of applicants.¹¹¹ A person who recklessly destroys or fails to file or deliver to the proper officer a registration affidavit or form of registration after it has been completed by an applicant commits a Class A misdemeanor,¹¹² which carries a penalty of a maximum of one year in prison and a \$5,000 maximum fine.¹¹³

¹⁰⁷ Telephone Interview with Ken Menzel, Deputy Gen. Counsel, Ill. State Board of Elections (Mar. 5, 2012).

¹⁰⁸ ILL. ADMIN. CODE tit. 26 § 216.70 (2010).

¹⁰⁹ ILL. ADMIN. CODE tit. 26 § 216.60 (2010).

¹¹⁰ ILL. ADMIN. CODE tit. 26 § 216.60(h) (2010).

¹¹¹ IND. CODE §3-7-33-3.7(b)(2), (c)(2) (2011).

¹¹² IND. CODE § 3-14-2-5 (2011).

¹¹³ IND. CODE § 35-50-3-2 (2011).

IOWA

Official Volunteer System:	No	For More Information: Elections Division, Voter Registration First Floor, Lucas Building 321 E. 12th St. Des Moines, IA 50319 (515) 281-8849 http://sos.iowa.gov/
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	Yes	
Other:	Yes	

In Iowa, voter registration drives may not compensate individuals on any basis other than the time spent providing assistance; compensation on a per-registrant basis is prohibited.¹¹⁴ Violation of this provision constitutes election misconduct in the third degree, a serious misdemeanor,¹¹⁵ which is punishable by a maximum of one year in prison and a maximum \$1,875 fine.¹¹⁶

KANSAS

No specific regulation of community-based voter registration identified.

For More Information:

Elections & Legislative Division
Memorial Hall, 1st Floor
120 SW 10th Avenue
Topeka, KS 66612-1594
(785) 296-4561
<http://www.kssos.org/elections/elections.html>

¹¹⁴ IOWA CODE § 48A.25 (2011).

¹¹⁵ IOWA CODE § 39A.4(1)(c)(4) (2011).

¹¹⁶ IOWA CODE § 903.1(1)(b) (2011).

KENTUCKY

Official Volunteer System: No Training: No Registration & Reporting: No Return Deadline & Penalties: Yes Other: Yes	For More Information: State Board of Elections 140 Walnut Street Frankfort, KY 40601 502-573-7100 http://elect.ky.gov/Pages/default.aspx
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The county clerk’s office shall provide an individual or organization a reasonable number of voter registration forms including the federal mail-in application form. Under Kentucky law, any individual or group receiving forms shall act under the proper supervision and directions of the county clerk and shall return completed forms to the county clerk for official registration.¹¹⁷ According to the Kentucky Board of Elections, the requirement to act under “proper supervision and directions” consists of the organization following all applicable laws and rules and reading the publicly available [check list](#) for voter registration drives.¹¹⁸

Kentucky law also prohibits voter registration drives from compensating individuals based upon the number, or characteristics of, persons they help register.¹¹⁹ A violation is a class B misdemeanor punishable by a maximum 90-day prison term of up to 90 days¹²⁰ and a \$250 maximum fine.¹²¹

¹¹⁷ KY. REV. STAT. ANN. § 116.045(6) (Lexis Nexis 2012).

¹¹⁸ Telephone Interview with Anne Vansant, Staff Member, Kentucky Bd. of Elections (March 14, 2012). The check list is available at <http://elect.ky.gov/voterinfo/Pages/checklistforvoterregistrationdrive.aspx>.

¹¹⁹ KY. REV. STAT. ANN. § 119.207 (Lexis Nexis 2012).

¹²⁰ KY. REV. STAT. ANN. § 532.090(2) (Lexis Nexis 2012).

¹²¹ KY. REV. STAT. ANN. § 534.040(2)(b) (Lexis Nexis 2012).

LOUISIANA

Official Volunteer System: Optional Training: No Registration & Reporting: No Return Deadline & Penalties: 30 Days Other: Yes	For More Information: Elections Division 8585 Archives Avenue Baton Rouge, LA 70809 (800) 883-2805 www.sos.la.gov
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Louisiana maintains an optional official volunteer system (“deputy registrars”). Louisiana provides for the appointment of paid deputy registrars, who act in the same manner as official registrars in registering voters.¹²² Only qualified voters may be deputy registrars.¹²³ Paid deputy registrars, who are government employees, cannot engage in political activity while registering voters.¹²⁴

Outside of the official volunteer system, Louisiana law requires that any completed application collected through a registration drive must be submitted within 30 days of receipt to the parish registrar.¹²⁵ In addition, “voter registration applications returned by a third party must be received by any registrar of voters no later than the registration deadline for a particular election in order for the applicant to be eligible to vote in that election.”¹²⁶ A knowing violation of the 30-day deadline is a misdemeanor subject to a maximum \$1,000 fine, one year’s imprisonment, or both; a second offense is punishable by a maximum \$2,500 fine, five year’s imprisonment, or both.¹²⁷

Louisiana also requires that the parish registrar of voters maintain a supply of state mail voter registration application forms for distribution and for voter registration. The forms must be supplied to private entities and organized voter registration programs.¹²⁸

¹²² LA. REV. STAT. ANN. § 18:61, 18:59(A), (2012).

¹²³ LA. REV. STAT. ANN. §§ 18:59(A), 18:52 (2012)

¹²⁴ LA. REV. STAT. ANN. § 18:62(A) (2012).

¹²⁵ LA. REV. STAT. ANN. § 18:1461.7(A)(1) (2012).

¹²⁶ LA. REV. STAT. ANN. § 18:115 (E)(2) (2012)

¹²⁷ LA. REV. STAT. ANN. § 18:1461.7 (2012).

¹²⁸ LA. REV. STAT. ANN. § 18:115(D) (2012).

MAINE

Official Volunteer System: Optional	For More Information: Elections Division 101 State House Station Augusta, ME 04333-0101 (207) 624-7736 http://www.maine.gov/sos/cec/elec
Training: No	
Registration & Reporting: No	
Return Deadline & Penalties: 21 days before book closing	
Other: Yes	

Maine has an optional official volunteer system (“deputy registrars”). Deputy registrars are appointed by registrars and serve at the registrars’ will.¹²⁹ Deputy registrars must be 18, a resident, and may not be candidates for state, county, or local office, officers of state, county, or municipal political party committees, or employed by a party or candidate.¹³⁰ They may be compensated for their services by local election officials.¹³¹

Voters may also register through private voter registration drives.¹³² Although Maine has same-day voter registration for voters who register in-person, registration applications submitted through voter registration drives must be received in the registrar’s office by the 21st day before the election for the voter to be registered.¹³³ An applicant who attempts to register within 30 days of an election with the assistance of a voter registration drive “must be advised that the registrar might not receive the application before the deadline for mail or third-person registration, but that the applicant may register in person” no later than the deadline for in-person registration.¹³⁴

The Maine Secretary of State requires that voter registration drives complete a “VRC request form” to obtain voter registration cards. Statewide candidates may obtain up to 2,000 voter registration cards per week, or a maximum of 10,000 before an election. Other groups may request up to 1,000 per week, or a maximum of 5,000. Groups can also make unlimited free copies of the voter registration card, which is [available online](#).¹³⁵

¹²⁹ ME. REV. STAT. tit. 21-A, § 102 (2011).

¹³⁰ ME. REV. STAT. tit. 21-A § 101(1) (2011).

¹³¹ ME. REV. STAT. tit. 21-A §§ 102(1), 101(5) (2011).

¹³² See generally ME. REV. STAT. tit. 21-A §§ 121(1-A), 130 (2011).

¹³³ ME. REV. STAT. tit. 21-A § 121 (1-A) (2011).

¹³⁴ ME. REV. STAT. tit. 21-A § 121 (1-A) (2011).

¹³⁵ Maine Secretary of State, Voter Registration Card Distribution Policy, available at <http://www.maine.gov/sos/cec/elec/data.htm>.

MARYLAND

Official Volunteer System: Optional Training: Official Volunteers Registration & Reporting: No Return Deadline & Penalties: 5 Days Other: Yes	For More Information: State Board of Elections 151 West Street, Suite 200 Annapolis, MD 21401 (410) 269-2840 http://www.elections.state.md.us/
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Maryland maintains an optional official volunteer system by which an individual can become an officially recognized “voter registration volunteer” authorized by the State or a local board of elections.¹³⁶ The voter registration volunteer system is optional, but encouraged, for groups using both state and federal voter registration forms.¹³⁷

To qualify as a voter registration volunteer, an individual must be of voting age, receive specified training, sign an affidavit, and receive a certificate of instruction.¹³⁸ Training is conducted by the State Board of Elections and each local board of elections¹³⁹ and must be provided upon request as well as available on a fixed schedule of publicized sessions.¹⁴⁰ Groups must be treated equitably and given equal access to training.¹⁴¹ Official voter registration volunteers must return registration forms to the appropriate local board within five days of receipt, or by the next registration deadline, whichever occurs first.¹⁴²

Whether a drive is operating within, or outside of, the official voter registration volunteer system, state officials prefer the use of state forms but will accept the federal form.¹⁴³ Volunteers who present their state certificate of instruction are entitled to receive a sufficient number of state registration forms for drives. If a volunteer does not present the certificate, the state or local board may provide only a maximum of 25 forms per day. State or local boards can limit the number of forms provided if accommodating the request would leave the agency with an insufficient number of forms to conduct their own business, or if they determine that the voter registration volunteer has violated any of the eligibility or training requirements.¹⁴⁴

Any individual, whether an authorized voter registration volunteer or not, who assists in voter registration may not copy or otherwise collect information from a registration form that is protected from public disclosure,

¹³⁶ MD. CODE ANN. ELEC. LAW. § 3-201(a)(7) (Lexis Nexis 2011).

¹³⁷ Telephone Interview with Janet Smith, Voter Registration Manager of Data & Reports, Maryland Bd. of Elections (Mar. 15, 2012).

¹³⁸ MD. CODE REGS. 33.05.03.06 (2012).

¹³⁹ MD. CODE REGS. 33.05.03.06(C) (2012).

¹⁴⁰ MD. CODE REGS. 33.05.03.06(D) (2012).

¹⁴¹ MD. CODE REGS. 33.05.03.06(D)(1) (2012).

¹⁴² MD. CODE REGS. 33.05.03.06(F)(2) (2012).

¹⁴³ Telephone Interview with Janet Smith, Voter Registration Manager of Data and Reports Md. Bd. of Elections (Mar. 15 2012).

¹⁴⁴ MD. CODE REGS. 033.05.03.06(G) (2012).

including a driver’s license number, Maryland identification number or Social Security number.¹⁴⁵ Compensation or bonuses based on the number of voter registration applications collected is prohibited.¹⁴⁶

MASSACHUSETTS

Official Volunteer System: Training: Registration & Reporting: Return Deadline & Penalties: Other:	No No No No Yes	For More Information: Elections Division McCormack Building, Room 1705 One Ashburton Place Boston, MA 02108 (617) 727-2828 http://www.sec.state.ma.us/ele/
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The state secretary shall provide sufficient numbers of affidavit forms to organized voter registration programs free of charge.¹⁴⁷ The Elections Division advises voter registration drives that submitted forms must be postmarked or hand-delivered at least 20 days before the next election, have all required information and be the original signed by the applicant.¹⁴⁸

MICHIGAN

No specific regulation of community-based voter registration identified.

Elections Division
 Michigan Department of State
 Lansing, MI 48918
 (888) 767-6424
www.michigan.gov/sos

¹⁴⁵ MD. CODE ANN. ELEC. LAW § 3-205(1) (Lexis Nexis 2011).

¹⁴⁶ MD. CODE ANN. ELEC. LAW § 3-205(3) (Lexis Nexis 2011); MD. CODE REGS. 33.05.03.06(H) (2012).

¹⁴⁷ MASS. GEN. LAWS ch. 51, § 36 (2011).

¹⁴⁸ Correspondence from Michelle K. Tassinari, Dir. Legal Counsel, Mass. Elections Div. (April 11, 2012).

MINNESOTA

Official Volunteer System:	No	For More Information: Elections & Voting Division 180 State Office Building 100 Rev. Dr. Martin Luther King Jr. Blvd. Saint Paul, MN 55155-1299 (651) 215-1440 http://www.sos.state.mn.us/index.aspx?page=4
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	10 days	
Other:	Yes	

In Minnesota, anyone accepting a completed voter registration application must submit it to elections officials within 10 calendar days after the application is dated by the voter.¹⁴⁹ Compensation for collection of applications on a per-registrant basis is prohibited.¹⁵⁰

Intentional violation of provisions of the voter registration chapter, including the 10-day deadline, constitutes a felony,¹⁵¹ subject to punishment by up to five years in prison, or fines up to \$10,000, or both.¹⁵² Violation of the per-registrant compensation ban is a petty misdemeanor,¹⁵³ which does not constitute a criminal offense and for which the maximum fine is \$300.¹⁵⁴

¹⁴⁹ MINN. STAT. § 201.061(1) (2012).

¹⁵⁰ MINN. STAT. § 201.054(3) (2012).

¹⁵¹ MINN. STAT. § 201.27(3) (2012).

¹⁵² MINN. STAT. § 609.03(1) (2012).

¹⁵³ MINN. STAT. § 201.054(3)(c) (2012).

¹⁵⁴ MINN. STAT. § 609.02 (4a) (2012).

MISSISSIPPI

Official Volunteer System:	No	For More Information: Elections Division Heber Ladner Building 401 Mississippi Street Jackson, MS 39201 (601) 576-2550 http://www.sos.ms.gov/elections.aspx
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	No	
Other:	Yes	

The Secretary of State must provide bulk quantities of voter registration applications for registration by mail to any person or organization. However, the person or organization will be charged for the actual cost of providing the forms.¹⁵⁵

¹⁵⁵ MISS. CODE ANN. § 23-15-47(4)(c) (2011).

MISSOURI

Official Volunteer System:	Optional	For More Information: Elections Division 600 West Main Street Jefferson City, MO 65101 (573) 751-2301 http://www.sos.mo.gov/elections/
Training:	No	
Registration & Reporting:	Yes	
Return Deadline & Penalties:	7 Days	
Other:	Yes	

Missouri maintains an optional official volunteer system. In addition, Missouri imposes general rules on anyone registering voters, and additional rules on those paid to register voters.

Local election authorities can appoint registered voters in the jurisdiction as “deputy registration officials.”¹⁵⁶ Deputy registration officials must comply with reasonable instruction by the election authorities,¹⁵⁷ and conduct voter registration at times and places designated by local election authorities.¹⁵⁸

Anyone “who is paid or otherwise compensated” for registering more than ten voters must register with the Secretary of State as a “voter registration solicitor,” by providing name, residential and mailing addresses, and the name of the person or organization providing compensation.¹⁵⁹ The solicitor must affirm under penalty of perjury the truth of the submitted information.¹⁶⁰ The solicitor’s registration expires the day after the general election. Voter registration solicitors must re-register for the next general election two years later. Only Missouri registered voters may work as solicitors.

All voter registration applications must be submitted to the county election authority with seven days of the receipt of the application from any person, paid or unpaid, who “accepts or receives a voter registration application from another person and agrees or offers to submit” the application.¹⁶¹

Failure to return an application within seven days is a misdemeanor that can result in criminal penalties of up to a year in jail, a maximum of \$2,500 in fines, or both.¹⁶² Missouri law does not specify that failure to deliver the application within the deadline be knowing or deliberate. Knowing failure of paid solicitors to register carries the same criminal penalties as missing the deadline, but anyone convicted is also permanently disenfranchised in Missouri.¹⁶³

¹⁵⁶ MO. REV. STAT. § 115.143(2) (2011).

¹⁵⁷ MO. REV. STAT. § 115.147(1) (2011).

¹⁵⁸ MO. REV. STAT. § 115.147(2) (2011).

¹⁵⁹ MO. REV. STAT. § 115.205(1)-(2) (2011).

¹⁶⁰ MO. REV. STAT. § 115.205 (2011).

¹⁶¹ MO. REV. STAT. § 115.203(4) (2011).

¹⁶² MO. REV. STAT. §§ 115.203(5), 115.637 (2011).

¹⁶³ MO. REV. STAT. §§ 115.205(4), 115.635, 561.026(2) (2011).

MONTANA

No specific regulation of community-based voter registration identified.

For More Information:

Elections Division
State Capitol Building
1301 E. 6th Avenue
Helena, MT 59601
(406) 444-2034
<http://sos.mt.gov/elections/>

NEBRASKA

Official Volunteer System: Optional Training: Official Volunteers Registration & Reporting: No Return Deadline & Penalties: Varies Other: Yes	For More Information: Elections Division State Capitol 1445 K St., Third Floor Lincoln, NE 68509 (402) 471-2555 http://www.sos.ne.gov/dyindex.html
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Nebraska maintains an optional official volunteer system (“deputy registrars”). Individuals and organizations are also permitted to conduct voter registration drives outside of the official volunteer system.¹⁶⁴ Under Nebraska law, eligible citizens may register to vote “in person, through a personal messenger or personal agent, or by mail,”¹⁶⁵ and the Secretary of State is required to “make registration applications prescribed by the Secretary of State available.”¹⁶⁶ For registration by mail, Nebraska accepts both the state and federal voter registration forms.¹⁶⁷ Any individual who collects completed voter registration forms is responsible for delivering the forms in a timely manner and late submissions can result in referral to the Attorney General.¹⁶⁸

A person who wants to become a deputy registrar must (1) successfully complete an application;¹⁶⁹ (2) successfully complete a training session conducted by the election commissioner or county clerk;¹⁷⁰ (3) take an

¹⁶⁴ Telephone Interview with Neal Erickson, Deputy Sec’y of State for Elections (Mar. 6, 2012).

¹⁶⁵ NEB. REV. STAT. § 32-311.01(1) (2008).

¹⁶⁶ NEB. REV. STAT. § 32-321(1) (2008).

¹⁶⁷ NEB. REV. STAT. § 32-320 (2008).

¹⁶⁸ Telephone Interview with Neal Erickson, Deputy Sec’y of State for Elections (Mar. 6, 2012).

¹⁶⁹ NEB. REV. STAT. § 32-305(1) (Supp. 2011).

¹⁷⁰ NEB. REV. STAT. § 32-305(2) (Supp. 2011).

oath;¹⁷¹ and (4) notify the election commissioner or county clerk of the location and time of the proposed voter registration drive and names and party affiliations of the deputy registrars.¹⁷²

Training for deputy registrars must be completed at least once every three years unless the Secretary of State determines that additional training is required because of substantial changes in the voter registration process. Training sessions may vary in length but cannot exceed four hours.¹⁷³ Training sessions vary by county, but the Secretary of State must inspect and review all training programs, procedures, and practices to assure that they are relevant to a deputy registrar.¹⁷⁴ Deputy registrars must register voters in teams of at least two deputies, one of whom is not a member of the same political party as others in the team.¹⁷⁵

Deputy registrars must return completed registration applications to the office of the election commissioner or county clerk no later than the end of the next business day after the registrations are taken.¹⁷⁶ Noncompliance with any procedure, rule, regulation, or guideline may result in the revocation of the deputy registrar’s designation.¹⁷⁷ A deputy registrar’s willful neglect of duty is considered a felony.¹⁷⁸

County clerks have discretion to approve or reject proposed voter registration drives.¹⁷⁹

NEVADA

<p>Official Volunteer System: Optional</p> <p>Training: No</p> <p>Registration & Reporting: Yes</p> <p>Return Deadline & Penalties: 10 days</p> <p>Other: Yes</p>	<p>For More Information:</p> <p>Office of Nevada Secretary of State Elections Division 101 N Carson Street, Suite 3 Carson City, NV 89701 (775) 684-5708 http://nvsos.gov/index.aspx?page=3</p>
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Nevada maintains an optional official volunteer system (“Field Registrars”). Only registered voters may qualify as Field Registrars, and they are appointed by the county clerk and serve at the pleasure, and under the direction, of the clerk.¹⁸⁰ Candidates for office cannot serve as Field Registrars and Field Registrars may not

¹⁷¹ NEB. REV. STAT. § 32-305(3) (Supp. 2011).

¹⁷² NEB. REV. STAT. § 32-305(1) (Supp. 2011).

¹⁷³ NEB. REV. STAT. § 32-305(4) (Supp. 2011).

¹⁷⁴ NEB. REV. STAT. § 32-305(4) (Supp. 2011).

¹⁷⁵ NEB. REV. STAT. § 32-306 (2008).

¹⁷⁶ NEB. REV. STAT. § 32-306 (2008).

¹⁷⁷ NEB. REV. STAT. § 32-305 (Supp. 2011).

¹⁷⁸ NEB. REV. STAT. § 32-1504 (2008).

¹⁷⁹ NEB. REV. STAT. § 32-305(1) (Supp. 2011).

¹⁸⁰ NEV. REV. STAT. § 293.505(2) (2011).

engage in political activity while registering voters.¹⁸¹ Field Registrars may not delegate their responsibilities to others.¹⁸²

Field Registrars must provide registrants with a receipt or duplicate copy of their registration form with the name of the Field Registrar.¹⁸³ Completed forms must be sent to the county election office whenever a Field Registrar has five or more forms in their possession. No completed form can be held for more than 10 days.¹⁸⁴ Field registrars must also return unused forms to the county election office within five days after the fifth Sunday preceding any general election,¹⁸⁵ and submit a separate list of the serial numbers of completed voter registration forms along with the names of the electors.¹⁸⁶

Voter registration drives may also operate outside the field registrar system. They are subject to some, but not all of the same rules. Nevada law requires all individuals who assist an elector in completing a voter registration application to include their mailing address and signature when submitting the application.¹⁸⁷ Anyone who collects a completed form for submission must also enter his or her name on the duplicate copy or receipt retained by the voter upon completion of the form.¹⁸⁸ Those helping others to complete applications are prohibited from altering registration forms after they have been collected unless the registrant has requested a correction.¹⁸⁹ Anyone that assists a voter in registering is prohibited from soliciting a vote for or against a particular question or candidate, speaking to a voter about which way to vote on a particular question or candidate, or distributing petitions or other materials concerning a particular question or candidate.¹⁹⁰ All registration applications must be mailed or delivered in person to the county clerk's office within 10 days of completion.¹⁹¹ It is unlawful to provide compensation for registering voters that is based on the number of voters registered or the number of voters registered in a political party.¹⁹²

A willful violation of any of the above requirements is a Class E felony,¹⁹³ punishable by up to four years in prison and a \$5,000 fine.¹⁹⁴ Anyone violating election laws may be liable for a civil penalty of up to \$20,000 in an action brought by the state.¹⁹⁵ If a Field Registrar violates any of the provisions relating to their duties, the county clerk shall immediately suspend the Field Registrar and notify the district attorney in the county where the violation occurred.¹⁹⁶

¹⁸¹ NEV. REV. STAT. § 293.505(2), (10) (2011).

¹⁸² NEV. REV. STAT. § 293.505(8)(a) (2011).

¹⁸³ NEV. REV. STAT. § 293.505(13)(a) (2011).

¹⁸⁴ NEV. REV. STAT. § 293.505(4) (2011).

¹⁸⁵ NEV. REV. STAT. § 293.505(5) (2011).

¹⁸⁶ NEV. REV. STAT. § 293.505(6) (2011).

¹⁸⁷ NEV. REV. STAT. § 293.5235 (13) (2011).

¹⁸⁸ NEV. REV. STAT. § 293.505(13)(a) (2011).

¹⁸⁹ NEV. REV. STAT. § 293.505(13)(b) (2011).

¹⁹⁰ NEV. REV. STAT. § 293.505(10) (2011).

¹⁹¹ NEV. REV. STAT. § 293.5235 (15) (2011).

¹⁹² NEV. REV. STAT. § 293.805(1) (2011).

¹⁹³ NEV. REV. STAT. §§ 293.505(15), .5235(16), .800, .805(2) (2011).

¹⁹⁴ NEV. REV. STAT. § 193.130(e) (2011).

¹⁹⁵ NEV. REV. STAT. § 293.840 (1) (2011).

¹⁹⁶ NEV. REV. STAT. §§ 293.505(14) (2011).

Additionally, Nevada law requires that the Secretary of State provide a standard state voter registration form, and that the forms be marked with a unique control number.¹⁹⁷ County clerks are required to make state forms available to individual candidates, political parties, civic groups, and groups organized for or against questions on a ballot.¹⁹⁸ “Each request for more than 50 forms must be made on a request form prescribed by the Secretary of State that requires the person or group requesting such forms to describe a plan for distribution of the forms, including, without limitation, identification of the county or counties with which the person or group plans to file the completed forms.”¹⁹⁹ “If a political party or other entity requests more than 50 applications to register to vote by mail in any 12-month period, the clerk or the Secretary of State may assess a charge, not to exceed the cost of printing the applications.”²⁰⁰

The Secretary of State has posted a [Guide to Conducting Voter Registration](#) online.²⁰¹

NEW HAMPSHIRE

Because election-day registration is permitted in New Hampshire, it is exempt from the National Voter Registration Act.²⁰² Election officials in New Hampshire do not accept voter registration applications submitted through voter registration drives.²⁰³ Except in a few very limited circumstances permitting registration by mail,²⁰⁴ applicants must register to vote in-person.²⁰⁵

For More Information:

Elections Division
State House, Room 204
107 North Main Street
Concord, NH 03301
(603) 271-3242
<http://sos.nh.gov/Elections.aspx>

¹⁹⁷ NEV. REV. STAT. § 293.507 (1), (3)(a) (2011).

¹⁹⁸ NEV. ADMIN. CODE § 293.425(1) (2012).

¹⁹⁹ NEV. ADMIN. CODE § 293.425(3) (2012)

²⁰⁰ NEV. REV. STAT. § 293.443(3) (2011)

²⁰¹ Nev. Sec’y of State, *GUIDE TO CONDUCTING VOTER REGISTRATION DRIVES IN NEVADA* (2010), available at <http://nvsos.gov/index.aspx?page=364>.

²⁰² 42 U.S.C. §1973gg-2(b)(2) (2006); N.H. REV. STATS. ANN. § 654:7-A(2012).

²⁰³ Correspondence from Karen Ladd, Assistant Sec’y of State, N.H., to Lianna Reagan, Research Associate, Brennan Ctr. for Justice (Apr. 13, 2012) (on file with author); see also N.H. REV. STATS. ANN. §§ 654:7 to 654:23 (2012).

²⁰⁴ N.H. REV. STATS. ANN. §§ 654:16 to 654 .23 (2012).

²⁰⁵ N.H. REV. STATS. ANN. §§ 654:7 to 654:15 (2012).

NEW JERSEY

Official Volunteer System:	No	For More Information: Division of Elections 225 West State Street, 5th Floor Trenton, NJ 08625 (609) 292-3760 http://www.njelections.org/
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	No	
Other:	Yes	

New Jersey law allows that in each county, the commissioner of registration may establish a plan for out-of-office registration, including door-to-door registration. However, the law states nothing shall preclude or in any way limit out-of-office registration conducted by persons or groups other than the commissioner.²⁰⁶

NEW MEXICO

Official Volunteer System:	No	For More Information: Elections Division State Capitol 325 Don Gaspar, Suite 300 Santa Fe, NM 87501 (505) 827-3600 http://www.sos.state.nm.us
Training:	Yes	
Registration & Reporting:	Yes	
Return Deadline & Penalties:	48 Hours	
Other:	Yes	

New Mexico’s law regulating voter registration drives applies to organizations and small groups that assist in registration.²⁰⁷ Regulations define a “voter registration organization” as “one or more persons organized as a group . . . engaged in voter registration activities.”²⁰⁸ And while the law broadly refers to anyone who “registers or assists in registering voters,” a federal court has ruled that a single person “assists in registering voters” once they collect a completed form for submission to state election officials. The law does not apply to groups that merely distribute forms.²⁰⁹

Voter registration groups must pre-register with the Secretary of State, by providing the name and address of the organization, and the names, permanent or temporary addresses, and dates of birth of every person

²⁰⁶ N.J. STAT. ANN. § 19:31-2 (2012).

²⁰⁷ N.M. STAT. ANN. § 1-4-49(A) (2011).

²⁰⁸ N.M. CODE. § 1.10.25.7(A) (Lexis Nexis 2012).

²⁰⁹ Am. Assoc of People with Disabilities v. Herrera, 690 F. Supp. 2d 1183, 1223 (D.N.M. 2010); *see also* N.M. Code R. 1.10.25.7(E) (Lexis Nexis 2012) (defining “assist” or “assistance” to mean “taking physical possession” of a completed voter registration form).

employed by or volunteering with the organization to help register voters.²¹⁰ The New Mexico Secretary of State publishes the names, identification numbers, addresses and phone numbers of registered third party “voter registration agents” on its website.²¹¹ Organizations must also provide a sworn statement from each employee or volunteer stating that he or she will obey all state laws and rules.²¹² All of this information must be submitted to elections officials before any voter registration begins.²¹³ All registered groups must also complete a training program regarding the use of registration forms, applicable restrictions, and penalties for violating those restrictions. Training is available from county clerks, the Secretary of State, and online.²¹⁴ The Secretary of State also publishes a “[Voter Registration Agents Manual](#)” available online.²¹⁵

Forms issued to registered groups must include a traceable number and a receipt that is issued to the applicant.²¹⁶ The Secretary of State and county clerks shall provide third party voter registration agents forms in quantities of 20. ²¹⁷ Additional forms per request are available only at the discretion of the Secretary of State or county clerk.²¹⁸

Voter registration forms must be submitted to the state or county within 48 hours of their completion by the voter, or on the next business day if the appropriate office is closed for that 48-hour period.²¹⁹

Anyone who intentionally violates any provision of the requirements related to pre-registration and the return deadline is guilty of a petty misdemeanor²²⁰ and subject to criminal penalties, which include either a \$500 fine or as much as six months in jail, or both.²²¹ Additionally, it is illegal to photocopy a voter registration form without obscuring the voter’s Social Security number and birth date,²²² and a violation of that rule is a fourth-degree felony.²²³ In addition to the criminal penalties for intentional violations of the law, individuals are also subject to civil actions by the state, which can include prospective actions for injunctive relief to prevent violations, as well as actions for civil penalties of \$250 “for each violation,” not to exceed \$5,000. If the individual committing the violation has decision-making authority or is an officer of an organization, the organization itself is subject to civil actions and penalties brought by the state.²²⁴

²¹⁰ N.M. STAT. ANN. § 1-4-49(A)(1) (2011).

²¹¹ NEW MEXICO SEC’Y OF STATE, VOTER REGISTRATION AGENTS REPORT, *available at* http://www.sos.state.nm.us/Elections_Data/Third_Party_Voter_Registration_Agents.aspx.

²¹² N.M. STAT. ANN. § 1-4-49(A)(3) (2011).

²¹³ N.M. CODE R. § 1.10.25.8 (A) (Lexis Nexis 2012).

²¹⁴ N.M. CODE R. § 1.10.25.8(g) (Lexis Nexis 2012).

²¹⁵ NEW MEXICO SEC’Y OF STATE, VOTER REGISTRATION AGENTS MANUAL, *available at* http://www.sos.state.nm.us/Elections_Data/Third_Party_Voter_Registration_Agents.aspx.

²¹⁶ N.M. CODE R. § 1.10.25.8 (D), (E) (Lexis Nexis 2012).

²¹⁷ N.M. CODE R. §§ 1.10.25.8 (E), 25.10 T(B) (Lexis Nexis 2012).

²¹⁸ N.M. CODE R. §§ 1.10.25.8 (E), .10 (B) (Lexis Nexis 2012).

²¹⁹ N.M. STAT. ANN. § 1-4-49 (B) (2011).

²²⁰ N.M. STAT. ANN. § 1-4-49 (D) (2011).

²²¹ N.M. STAT. ANN. § 31-19-1 (B) 2011).

²²² N.M. STAT. ANN. § 1-4-5(E) 2011).

²²³ N.M. STAT. ANN. § 1-4-5(F) 2011).

²²⁴ N.M. STAT. ANN. § 1-4-49(E) (2011).

NEW YORK

No specific regulation of community-based voter registration identified.

For More Information:

Board of Elections
40 Steuben Street
Albany, NY 12207
(518) 474-6220
www.elections.ny.gov

NORTH CAROLINA

Official Volunteer System:	No	For More Information: State Board of Elections 441 North Harrington Street Raleigh, NC 27603 (919) 733-7173 http://www.ncsbe.gov/
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	No	
Other:	Yes	

North Carolina law directs the State Board of Elections to make voter application forms available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration drives.²²⁵

NORTH DAKOTA

North Dakota is the only state without voter registration.

For More Information:

Elections Division
600 E Boulevard Ave Dept 108, 1st Floor
Bismarck, ND 58505-0500
(701) 328-4146
<http://www.nd.gov/sos/electvote/>

²²⁵ N.C. GEN. STAT. § 163-82.5 (2011).

OHIO

Official Volunteer System:	No	For More Information: Secretary of State 180 E. Broad St., 16th Floor Columbus, OH 43215 (614) 466-2655 http://www.sos.state.oh.us/SOS/elections.aspx
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	10 Days	
Other:	No	

Ohio law allows voters to return completed forms through another person.²²⁶ Previously, Ohio enacted an extensive set of laws restricting voter registration drives,²²⁷ but these restrictions were permanently enjoined in 2006 by the District Court for the Northern District of Ohio.²²⁸

Current law requires that all persons collecting voter registration forms must submit them within 10 days after the form is completed by an applicant or by the voter registration deadline, whichever is sooner.²²⁹ The first knowing violation of the 10-day return deadline, but which does not result in the form being received after book closing, and which concerns fewer than 50 forms, is a first-degree misdemeanor.²³⁰ All subsequent violations are considered “election falsification,” a fifth-degree felony that carries an additional penalty of disenfranchisement.²³¹

OKLAHOMA

*No specific regulation of community-based voter registration identified.*²³²

For More Information:

State Election Board
State Capitol Building, Room B-6
Oklahoma City, OK 73152
(405) 521-2391
<http://www.ok.gov/elections/>

²²⁶ OHIO REV. CODE ANN. § 3503.19 (B)(2) (Lexis Nexis 2012).

²²⁷ See OHIO REV. CODE ANN. § 3503.29 (repealed 2011).

²²⁸ Project Vote v. Blackwell, 455 F. Supp. 2d 694 (N.D. Ohio 2006); see also Project Vote v. Blackwell, No. 1:06-cv-1628, 2008 U. S. Dist. LEXIS 9878 (N.D. Ohio Feb. 11, 2008).

²²⁹ OHIO REV. CODE § 3599.11(B)(2)(a) (Lexis Nexis 2012).

²³⁰ OHIO REV. CODE § 3599.11(B)(2)(a) (Lexis Nexis 2012).

²³¹ OHIO REV. CODE § 3599.11(B)(2)(a) (Lexis Nexis 2012).

²³² An Oklahoma official confirmed that there is no specific regulation of voter registration drives. When groups come in to collect a large number of forms, the state will give them an information sheet with information about voter registration. Telephone Interview with Fran Roach, Assistant Sec’y, Okla. State Elections Bd. (Mar. 6, 2012).

OREGON

Official Volunteer System: Training: Registration & Reporting: Return Deadline & Penalties: Other:	No No No 5 days Yes	For More Information: Elections Division 255 Capitol St NE, Ste 501 Salem, OR 97310 (503) 986-1518 http://oregonvotes.org/
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Oregon accepts voter registration cards collected and submitted by voter registration drives. Under Oregon law, any “person may distribute a registration card in any reasonable manner that facilitates elector registration, including but not limited to distribution of the card door to door.”²³³ Oregon requires “any person” who collects or receives a completed voter registration card to return it to a county clerk or the Secretary of State no later than five calendar days after receiving the card.²³⁴ While there are no specified penalties for failing to timely submit registration cards, under Oregon law a violation of “any provision” of the election law may be subject to civil penalties “not to exceed \$250 for each violation.”²³⁵

Under Oregon law, election officials make registration cards available to voter registration drives. The Secretary of State will honor requests for as many as 5,000 registration cards, subject to compliance with rules on the timing and form of those requests.²³⁶ County election officials shall fill requests for less than 500 voter registration cards.²³⁷

²³³ OR. REV. STAT. § 247.178 (2011).

²³⁴ OR. REV. STAT. § 247.012(2)(a) (2011). State guidance on election laws, including the five day return deadline is available [online](http://www.oregonvotes.org/doc/publications/elec_law_summary.pdf). See OREGON SEC^Y OF STATE ELECTION LAW SUMMARY, available at http://www.oregonvotes.org/doc/publications/elec_law_summary.pdf.

²³⁵ OR. REV. STAT. § 260.995 (2011).

²³⁶ OR. REV. STAT. § 247.176 (2011); OR. ADMIN. R. 165-005-0080 (2012).

²³⁷ OR. ADMIN. R. 165-005-0080 (2012).

PENNSYLVANIA

Official Volunteer System:	No	For More Information: Bureau of Commissions, Elections and Legislation 210 N. Office Building Harrisburg, PA 17120 (717) 787-5280 http://www.dos.state.pa.us/portal/server.pt/community/voting_and_elections/12363
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	Yes	
Other:	Yes	

Pennsylvania prohibits compensating people who collect registration applicants on a per-registrant basis. Violation of this law is a misdemeanor punishable by a \$500 to \$2,500 fine, or 1 to 12 months imprisonment, or both.²³⁸

RHODE ISLAND

Official Volunteer System:	No	For More Information: Board of Elections 50 Branch Avenue Providence, RI 02904 (401) 222-2345 http://www.elections.ri.gov/
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	No	
Other:	Yes	

Rhode Island accepts voter registration applications submitted by voter registration drives.²³⁹ First-time voters who register through voter registration drives or in the mail, as opposed to in-person, are subject to an identification requirement for voting.²⁴⁰

²³⁸ 25 PA. CONS. STAT. § 1713 (2012).

²³⁹ R.I. GEN. LAWS § 17-7-5(13) (2011); RI BD. OF ELECTIONS, RULES AND REGULATIONS FOR VOTER REGISTRATION, (2012), available at <http://sos.ri.gov/documents/archives/regdocs/released/pdf/BOE/6772.pdf>.

²⁴⁰ R.I. GEN. LAWS § 17-7-5(13) (2011); RI BD. OF ELECTIONS, RULES AND REGULATIONS FOR VOTER REGISTRATION, (2012), available at <http://sos.ri.gov/documents/archives/regdocs/released/pdf/BOE/6772.pdf>.

SOUTH CAROLINA

No specific regulation of community-based voter registration identified.

For More Information:

State Election Commission
2221 Devine Street, Suite 105
Columbia, SC 29205
(803) 734-9060
<http://www.scvotes.org/>

SOUTH DAKOTA

Official Volunteer System:	No	For More Information: Elections Department 500 East Capitol Avenue Pierre, SD 57501-5070 (605) 773-3537 http://sdsos.gov/Elections/
Training:	No	
Registration & Reporting:	No	
Return Deadline & Penalties:	10 Days	
Other:	Yes	

South Dakota requires any private entity or individual conducting voter registration drives to provide registrants with contact information so they may contact the individual or entity to determine their registration status.²⁴¹ Collected forms must be returned “within ten days or by the voter registration deadline, whichever occurs first.”²⁴² Violation of the deadline is a Class 2 misdemeanor,²⁴³ punishable by up to 30 days in a county jail or a maximum fine of \$500, or both.²⁴⁴ South Dakota law does not specify failure to deliver applications on time be knowing or deliberate.

No person may pay or receive compensation based on the number of voters registered.²⁴⁵ Violation of this provision is also a Class 2 misdemeanor.

²⁴¹ S.D. CODIFIED LAWS § 12-4-3 (2012).

²⁴² S.D. CODIFIED LAWS § 12-4-3.2 (2012).

²⁴³ S.D. CODIFIED LAWS § 12-4-3.2 (2012).

²⁴⁴ S.D. CODIFIED LAWS § 22-6-2 (2012).

²⁴⁵ S.D. CODIFIED LAWS §§ 12-4-52 to 12-4-53 (2012).

TENNESSEE

No specific regulation of community-based voter registration identified.

For More Information:

Division of Elections
312 Rosa L. Parks Avenue
Snodgrass Tower, 9th Floor
Nashville, TN 37243
(615) 741-7956
<http://www.tn.gov/sos/election/>

TEXAS

Official Volunteer System:	Mandatory	For More Information: Elections Division Thomas J. Rusk Building 208 East 10th St., 3rd Floor Austin, Texas 78701 http://www.votetexas.gov
Training:	Yes	
Registration & Reporting:	Yes	
Return Deadline & Penalties:	5 Days	
Other:	Yes	

Texas maintains a *mandatory* official volunteer system (“volunteer deputy registrar”).²⁴⁶ A person commits a punishable “offense if the person purports to act as a volunteer deputy registrar when the person does not have an effective appointment as a volunteer deputy registrar.”²⁴⁷ To become a volunteer deputy registrar, a person “must request appointment by the registrar in person or by mail.”²⁴⁸ A registrar may not refuse to appoint an eligible volunteer deputy registrar, or deny appointment to an eligible deputy registrar “on the basis of sex, race, creed, color, or national origin or ancestry.”²⁴⁹ Appointments are available only to persons

²⁴⁶ On August 2, 2012, a federal district court issued a preliminary injunction blocking Texas from enforcing several components of its restrictions on voter registration drives. *See Voting for America, Inc. v. Andrade*, No. 3:1-CV-00044 (S.D. Tex. Aug. 2, 2012), *available at* <http://moritzlaw.osu.edu/electionlaw/litigation/documents/OrderonMotionforPreliminaryInjunction.pdf>. The next day, Texas filed a motion asking the district court to stay the injunction pending the state’s appeal. *See Defendant Andrade’s Motion for Stay, Voting for America, Inc.*, *available at* <http://moritzlaw.osu.edu/electionlaw/litigation/documents/AndradesMotionforStay.pdf>. In light of the ongoing litigation, this summary of the law does not reflect which provisions are temporarily blocked by the most recent court order. Litigation developments, including the district court order specifying which provisions were blocked as of August 2, 2012, can be found at: <http://moritzlaw.osu.edu/electionlaw/litigation/VotingForAmericaV.Andrade.php>.

²⁴⁷ TEX. ELEC. CODE ANN. § 13.044(a) (2011)

²⁴⁸ TEX. ELEC. CODE ANN. § 13.033(a) (2011)

²⁴⁹ TEX. ELEC. CODE ANN. § 13.032 (2011).

qualified to vote in Texas, and may be revoked if a volunteer deputy is ever found to have failed to “adequately review a registration application.”²⁵⁰

“A volunteer deputy registrar may distribute voter registration application forms throughout the county and receive registration applications submitted to the deputy in person.”²⁵¹ Because a volunteer deputy appointment is county-specific, voter registration drives must ensure volunteers and employees are deputized in each county in which they will collect forms. In 2011, Texas amended the deputy registrar law to limit volunteer deputy appointments to Texas residents *and* qualified voters, although they need not be registered voters.²⁵² Additionally, volunteer deputies must complete a training program as prescribed by the Secretary of State, and may be subject to an exam before training is complete.²⁵³ Deputy volunteer registrar exams are at the discretion of county officials, according to a determination by the Texas Secretary of State.²⁵⁴ Compensation of volunteer deputies on a per-registrant basis is prohibited.²⁵⁵

Volunteer deputies must present their certificate of appointment to voter registration applicants upon request.²⁵⁶ Deputy registrars must give voters receipts for collected forms that are signed and dated by the deputy registrar when the applicant completes the form. A duplicate of the receipt must be delivered with the application.²⁵⁷ In general, applications must be delivered in person to the registrar and no later than “5 p.m. of the fifth day after the date the application is submitted to the volunteer deputy registrar.”²⁵⁸ The one exception is when applications are submitted between the 34th and 29th day before an election.²⁵⁹ Those applications must be submitted in person by 5 p.m. on the 29th day before an election to meet the book closing deadline.²⁶⁰

Failure to comply with the submission deadlines is a Class C misdemeanor, unless the offense is intentional, in which case the offense is a Class A misdemeanor.²⁶¹ Class C misdemeanors have a maximum fine of \$500²⁶²; Class A misdemeanors can be punished by up to a year in jail or a maximum fine of \$4,000, or both.²⁶³ Acting as a volunteer deputy without an appointment is also a Class C misdemeanor.²⁶⁴ Violations of the prohibitions on certain forms of compensating workers are punishable by a maximum fine of \$4,000 per registrant, or a maximum of one-year imprisonment, or both.²⁶⁵

²⁵⁰ TEX. ELEC. CODE ANN. §§ 12.031(d)(3), .036(b) (2011).

²⁵¹ TEX. ELEC. CODE ANN. § 13.038 (2011) (2011).

²⁵² TEX. ELEC. CODE ANN. § 13.031(d)(3) (2011).

²⁵³ TEX. ELEC. CODE ANN. § 13.047 (2011).

²⁵⁴ TEX. ELECTIONS DIV., ELECTION ADVISORY NO. 2012-04, TRAINING FOR VOLUNTEER DEPUTY REGISTRARS § 3.2 (2012) available at <http://www.sos.state.tx.us/elections/laws/advisory2012-04.shtml>.

²⁵⁵ TEX. ELEC. CODE ANN. § 13.008 (2011).

²⁵⁶ TEX. ELEC. CODE ANN. § 13.033(d) (2011).

²⁵⁷ TEX. ELEC. CODE ANN. § 13.040 (2011).

²⁵⁸ TEX. ELEC. CODE ANN. § 13.042(a), (b) (2011).

²⁵⁹ TEX. ELEC. CODE ANN. § 13.042(c) (2011).

²⁶⁰ TEX. ELEC. CODE ANN. § 13.042(a), (c) (2011).

²⁶¹ TEX. ELEC. CODE ANN. § 13.043 (2011).

²⁶² TEX. PENAL CODE ANN. § 12.23 (2011).

²⁶³ TEX. PENAL CODE ANN. § 12.21 (2011).

²⁶⁴ TEX. ELEC. CODE ANN. § 13.044(b) (2011).

²⁶⁵ TEX. ELEC. CODE ANN. § 13.008 (2011); TEX. PENAL CODE ANN. § 12.21 (2011).

UTAH

Official Volunteer System: No Training: No Registration & Reporting: No Return Deadline & Penalties: No Other: Yes	For More Information: Elections Division Utah State Capitol Suite 220 Salt Lake City, UT 84114 (801) 538-1041 http://elections.utah.gov
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In Utah, organizations and interested persons can purchase by-mail voter registration forms from the county clerk or from the printer.²⁶⁶ The clerk shall make “forms available to interested organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.”²⁶⁷

VERMONT

No specific regulation of community-based voter registration identified.

For More Information:

Elections Division
128 State Street
Montpelier, VT 05633-1101
(802) 828-2464
<http://www.vermont-elections.org/>

²⁶⁶ UTAH CODE ANN. § 20A-2-301(4) (Lexis Nexis 2012).

²⁶⁷ UTAH CODE ANN. § 20A-2-301(5)(a) (Lexis Nexis 2012).

VIRGINIA

Official Volunteer System: No Training: No Registration & Reporting: No Return Deadline & Penalties: 15 Days Other: Yes	For More Information: State Board of Elections Washington Building, First Floor 1100 Bank Street Richmond, VA 23219 (804) 864-8901 http://www.sbe.virginia.gov/cms/Index.html
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Virginia law provides that any person or group collecting voter registration forms provide a receipt to the applicant upon completion of the form.²⁶⁸ The receipt must be “completed by the person receiving the form from the applicant.” The receipt must include the name of the office, group, or person receiving the registration application; the date that the office, group, or person received the registration application from the applicant; “and the phone number of the general registrar or the toll-free phone number of the State Board of Elections that the applicant may call to confirm his registration.”²⁶⁹ Virginia has a publicly available [guide](#) for individuals and organizations conducting drives.²⁷⁰

Applications must be mailed or delivered to the appropriate general registrar, State Board of Elections, or other designated voter registration agency within 15 days of signature, or by book-closing deadline, whichever comes first.²⁷¹ Intentional failure to comply with this deadline by failing to timely deliver or by destroying the application is a Class 1 misdemeanor, punishable by a maximum of one year in prison, or a maximum fine of \$2,500, or both.²⁷² Individuals and organizations involved in voter registration drives are subject to several other criminal provisions related to voter registration misconduct. These offenses are described in the State’s voter registration [guide](#).²⁷³

²⁶⁸ VA. CODE ANN. § 24.2-418.1(A) (2011).

²⁶⁹ VA. CODE ANN. § 24.2-418.1(A) (2011).

²⁷⁰ VA. STATE BD. OF ELECTIONS, GUIDELINES FOR CONDUCTING VOTER REGISTRATION DRIVES (2012), *available at* <http://www.sbe.virginia.gov/cms/documents/VoterRegistration/guidevoterregdrive.pdf>.

²⁷¹ VA. CODE ANN. § 24.2-1002.01 (2011).

²⁷² VA. CODE ANN. § 24.2-1002.01 (2011); VA. CODE ANN. § 18.2-11(a) (2011).

²⁷³ VA. STATE BD. OF ELECTIONS, GUIDELINES FOR CONDUCTING VOTER REGISTRATION DRIVES 6-8 (2012), *available at* <http://www.sbe.virginia.gov/cms/documents/VoterRegistration/guidevoterregdrive.pdf>.

WASHINGTON

Official Volunteer System: No Training: No Registration & Reporting: No Return Deadline & Penalties: 5 Days Other: Yes	For More Information: State Elections Office PO Box 40229 Olympia, WA 98504-0229 (360) 902-4180 www.vote.wa.gov
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Washington law requires a person or organization collecting voter registration applications to transmit the forms to the Secretary of State or a county auditor within five business days. The registration date on such forms will be the date they are received by the Secretary of State or county auditor.²⁷⁴ Offering or accepting compensation based on a fixed per-registrant basis is prohibited.²⁷⁵

Intentionally failing to return another person’s completed voter registration form to the proper state or county elections office by the applicable deadline is a gross misdemeanor,²⁷⁶ punishable by a maximum of a year in prison, or a maximum fine of \$5,000, or both.²⁷⁷ Any person who intentionally disenfranchises or discriminates against a person eligible to vote by denying voter registration is guilty of a misdemeanor²⁷⁸ punishable by as much as 90 days in prison, or a \$1,000 fine, or both.²⁷⁹ Violation of the prohibition against offering or accepting compensation on a per-registrant basis is a class C felony punishable by five years imprisonment, or a maximum \$10,000 fine, or both.²⁸⁰

The county auditor shall keep a supply of voter registration forms available at all times for political parties and others interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public.²⁸¹

²⁷⁴ WASH. REV. CODE § 29A.08.115 (2011).

²⁷⁵ WASH. REV. CODE § 29A.84.130 (2011).

²⁷⁶ WASH. REV. CODE § 29A.84.050(2) (2011).

²⁷⁷ WASH. REV. CODE § 9A.20.021(2) (2011).

²⁷⁸ WASH. REV. CODE § 29A.84.120 (2011).

²⁷⁹ WASH. REV. CODE § 9A.20.021 (2011).

²⁸⁰ WASH. REV. CODE § 9A.84.130 (2011).

²⁸¹ WASH. REV. CODE § 29A.08.260 (2011).

WEST VIRGINIA

<p>Official Volunteer System: Optional</p> <p>Training: Official Volunteers</p> <p>Registration & Reporting: No</p> <p>Return Deadline & Penalties: 15 Days</p> <p>Other: Yes</p>	<p>For More Information:</p> <p>Elections Division Bldg. 1, Suite 157-K 1900 Kanawha Blvd. East Charleston, WV 25305-0770 (304) 558-6000 http://www.sos.wv.gov/elections/</p>
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West Virginia maintains an optional official volunteer system (“temporary” or “volunteer registrars”). County officials can appoint temporary registrars, who are paid,²⁸² or volunteer registrars, who are unpaid.²⁸³ Temporary or volunteer registrars conducting registration must work in pairs, each representing opposing political parties.²⁸⁴ Temporary or volunteer registrars must meet the same eligibility qualifications as elected officials.²⁸⁵ Registrars can be declared ineligible if they fail to perform their duties;²⁸⁶ alter or destruct a voter registration application;²⁸⁷ improperly influence or intimidate registrants;²⁸⁸ are under the influence of alcohol or drugs, or have made a bet on an election.²⁸⁹ Temporary or volunteer registrars are trained and supervised by the clerk of the county commission.²⁹⁰ Temporary or volunteer registrars take an oath to perform their duties, which is filed with the clerk of the county commission.²⁹¹

West Virginia also allows persons and groups to conduct voter registration drives outside the official volunteer system. Anyone collecting completed voter registration forms must deliver them within 15 days after they are signed by the applicant.²⁹² Intentional failure to mail or to deliver the application in a timely manner is a misdemeanor punishable by a maximum \$1,000 fine, or a maximum of one year in jail, or both.²⁹³

To the extent funding allows, counties must make state mail registration forms available for organized voter registration drives.²⁹⁴ For drives requesting 200 or more forms, contact information and a description of the dates and locations for the proposed registration drive must be sent to the Secretary of State. Requests of 10 or more forms will be recorded by the county clerk with a description of the dates and locations of the proposed drive.²⁹⁵ The Secretary of State may limit the number of forms available to group to a “reasonable” amount.²⁹⁶

²⁸² W. VA. CODE § 3-2-9(d)(1)-(2) (2011).

²⁸³ W. VA. CODE § 3-2-9(e) (2011).

²⁸⁴ W. VA. CODE § 3-2-9(a) (2011).

²⁸⁵ W. VA. CODE § 3-2-9(b) (2011).

²⁸⁶ W. VA. CODE § 3-2-9(b)(1) (2011).

²⁸⁷ W. VA. CODE § 3-2-9(b)(2) (2011).

²⁸⁸ W. VA. CODE § 3-2-9(b)(3) (2011).

²⁸⁹ W. VA. CODE § 3-2-9(b)(4) (2011).

²⁹⁰ W. VA. CODE § 3-2-9(a) (2011).

²⁹¹ W. VA. CODE § 3-2-9(c) (2011).

²⁹² W. VA. CODE § 3-2-10(k) (2011).

²⁹³ W. VA. CODE § 3-2-10(k) (2011).

²⁹⁴ W. VA. CODE § 3-2-10(c) (2011).

WISCONSIN

Official Volunteer System: Optional Training: Official Volunteers Registration & Reporting: No Return Deadline & Penalties: Yes Other: Yes	For More Information: Elections Division 212 East Washington Avenue, Third Floor Madison, Wisconsin 53703 (608) 266-8005 http://gab.wi.gov/elections-voting
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Wisconsin maintains an optional official volunteer system (“special deputy”). People are no longer deputized statewide, but municipal clerks can deputize them.²⁹⁷ The state neither encourages nor discourages voter registration drives to seek deputization from municipal clerks.²⁹⁸ Applicants can seek certification from more than one municipal clerk to serve in more than one municipality.²⁹⁹ Special registration deputies must complete a training program at least once every two years.³⁰⁰ When conducting a voter registration drive, a special deputy must print their name on the form, indicating acceptance, sign the form, and number it.³⁰¹

Voter registration drives are permitted without the use or assistance of a special registration deputy.³⁰² Under the state administrative code, voter registration drives are directed to use the state voter registration application form.³⁰³ If not using special deputies, drives collecting forms must submit, along with the completed registration form, a copy of the required forms of proof of residence for first-time voters.³⁰⁴ Individuals or organizations conducting voter registration drives may not retain or copy personal information on a completed form.³⁰⁵

Additionally, drives may not compensate individuals based on the number of registration forms collected. Violation of this prohibition is punishable by a maximum \$1,000 fine, and not more than six months’ imprisonment, or both.³⁰⁶

²⁹⁵ W. VA. CODE § 3-2-10(b)-(c) (2011).

²⁹⁶ W. VA. CODE § 3-2-10(b) (2011).

²⁹⁷ Wis. Act of 2011, No. 23, §§25-27, 2011 Wis. Sess. Laws. (amending law to eliminate deputization by government accountability board).

²⁹⁸ Telephone Interview with Kevin Kennedy, Dir. & Gen. Counsel, Wis. Gov’t Accountability Bd. (Mar. 7, 2012).

²⁹⁹ WIS. STAT. § 6.26(2)(a) (2012).

³⁰⁰ WIS. STAT. § 7.315(1)(b) (2012).

³⁰¹ WIS. STAT. § 6.26(4) (2012).

³⁰² WIS. ADMIN. CODE GAB § 3.20 (2012); Telephone Interview with Kevin Kennedy, Dir. & Gen. Counsel, Wis. Gov’t Accountability Bd. (Mar. 7, 2012).

³⁰³ WIS. ADMIN. CODE GAB § 3.20(1) (2012).

³⁰⁴ WIS. ADMIN. CODE GAB § 3.20(4) (2012).

³⁰⁵ WIS. ADMIN. CODE GAB § 3.20(2), (5) (2012).

³⁰⁶ WIS. STAT. §§ 12.13(3)(ze), 12.60(b) (2012); WIS. ADMIN. CODE GAB § 3.20(6).

WYOMING

Because election-day registration is permitted in Wyoming, it is exempt from the requirements of the National Voter Registration Act.³⁰⁷ Election officials in Wyoming do not accept voter registration applications submitted through voter registration drives.³⁰⁸ Voters must register in-person or by mailing in voter registration applications.³⁰⁹

For More Information:

Elections Division
The Capitol Building
200 West 24th Street
Cheyenne, WY 82002
(307) 777-5860
<http://soswy.state.wy.us/Elections/Elections.aspx>

³⁰⁷ WYO. STAT. ANN. § 22-3-104(f)(ii) (2010); 42 U.S.C. § 1973gg-2(b)(2) (2006).

³⁰⁸ 240-16 Wyo. Code. R. § 5 (Lexis Nexis 2012); Correspondence from Peggy Nighswonger, State Election Dir., Wyo Sec. of State, to Lianna Reagan Research Assoc., Brennan Ctr. for Justice (April 12, 2012) (on file with the author).

³⁰⁹ WYO. STAT. ANN. § 22-3-104(d) (2010).

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FOR JUSTICE

at New York University School of Law

161 Avenue of the Americas
12th Floor
New York, NY 10013
646-292-8310
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