

State Restrictions on Community-Based Voter Registration Drives

Community-based voter registration drives have become an increasingly important registration method over the past few election cycles, especially for low-income citizens, students, or particular racial or ethnic minority groups. These drives are a way for Americans to register members of their own communities, or for voters who would not otherwise register to be engaged in the process.

Americans have run voter registration drives to register their fellow citizens to vote for decades, but until very recently often had to be deputized by the state to do so. This “deputy registrar” system left drives at the mercy of county or state officials who could deny that deputization to disfavored groups, or restrict the number of people who could take part. With the enactment of the National Voter Registration Act (“NVRA”) in 1993, states were newly required to make blank mail-in voter registration forms generally available, “with particular emphasis on making them available for organized voter registration programs.” 42 U.S.C. §1973gg-4(b).

While many observers understood this change in the law to require the end of deputy registration systems, some states retained their registrar systems. (Two states, Wyoming and New Hampshire, which are exempt from the NVRA, effectively do not allow voter registration drives at all because of limitations on mail-in registration. At least two of the states that still have deputy registration systems—Texas and Hawaii—make it illegal to collect someone else’s voter registration form without being deputized, which very well may violate the NVRA. Other states allow voter registration drives to operate outside of their deputy registrar systems.. Since the NVRA, other states have enacted various laws that limit community-based voter registration laws; most of these laws fall into three basic categories. First, some states have reimposed deputy registrar systems in all but name; second, many states have imposed additional deadlines for the return of collected forms, before the general voter registration deadline; and third, some states require certain information before giving out large quantities of voter registration forms, or limit the number of forms groups can get or charge groups for those forms. Many of these requirements, particularly in the first two categories, were imposed after voter registration drives were partially responsible for a surge in new registrations and increased turnout in the 2004 general election, and unduly restrict the conduct of community-based voter registration drives. These post-2004 requirements are often the most arduous, imposing steep fines or criminal sentences on civic groups or volunteers for missing tight deadlines, without any requirement of fault or negligence. States with the most arduous systems include New Mexico, Missouri, and Florida.

The Brennan Center has acted as counsel in challenges to certain of these laws and advocated for changes in others. Not all of these laws rise to the level of unconstitutional burden on the First Amendment rights of community based drives or the right to vote of those that they

register, nor are all of them misguided. But many, by imposing burdens in excess of what any state interest might justify, violate the Constitution and should be repealed. The Brennan Center is always interested in working with state legislators or administrators to draft laws or rules that respond to legitimate state concerns while not unduly restricting voter registration drives.¹

Deputy Registrar and Similar Systems

Before the NVRA, voters often had to appear in person before an official county registrar to be registered to vote; deputy registrars, usually volunteers from the community, were often sworn in as official registrars and could register voters personally. Deputies were usually trained by the county clerk, who had a great deal of discretion in appointing and retaining deputies, and in some states could deny certification to those affiliated with particular groups. The NVRA required that states accept mail-in registration forms, and could no longer require voters to appear in person. This change opened the door for community-based voter registration drives to operate without deputization, for they could now circulate blank mail-in forms, collect the completed forms, and return them to county offices, regardless of the county clerk's approval.

Nonetheless, many states have continued their pre-NVRA deputy registrar systems, and two, Hawaii and Texas, have laws on the books that make it illegal to collect and submit a mail-in registration form for another person, making their deputy registrar systems the only way community-based voter registration drives can operate. (This may very well be a violation of the National Voter Registration Act, but the question has not been litigated.) Other states that retain deputy systems allow collection and submission of forms by non-deputies, but may limit the collection and submission outside of the deputy system to use of the federal voter registration form, meaning only deputies can use state voter registration forms. Having a two-tier system can create confusion, and in particular can end up making less sophisticated groups jump through hoops larger groups don't have to. Also, if federal forms are treated with suspicion by local officials, or if groups are dissuaded from registering voters outside of the system, the "choice" to register voters on federal forms free from burdensome state rules may be illusory.

Other states have, subsequent to the passage of the NVRA, passed laws that impose many of the same features of the deputy registrar system: they may require individuals to register with the state or county and/or sign a notarized affidavit before participating in a voter registration drive; they may require training; they may require voter registration drives to use special forms and disclose their identity on the form; or they may impose a particular deadline for the submission of forms. Violation of these rules, or registering voters outside the mandated system, usually carries criminal and/or civil penalties.

The shared characteristic of all of these systems is the need to register with the state before undertaking a voter registration drive.² However, most formal deputy registrar systems

¹ This document does not track bans on payment per voter registration form, laws against the provision of fraudulent voter registration information, laws criminalizing the intentional failure to return forms or return of voter registration forms past a book-closing deadline, laws banning the deliberate destruction of forms, or laws making illegal deliberate delay or obstruction of the delivery of voter registration forms.

² The one exception is California, which does not require pre-registration with the state, but instead requires entities compensating voter registration circulators to collect paperwork from their circulators before registering voters.

have additional rules not shared by newer systems, including limits on who may become a deputy, bans on partisan or other political activity while registering voters, and stricter guidelines on when and where drives can be conducted. County officials may also have discretion in deciding whether to certify deputies at all, and whether to certify any particular individual. Finally, when voters appear before a deputy registrar, they are almost always considered to have registered to vote “in person” for purposes of state law, which can exempt them from identification requirements imposed on those who register by mail or through a non-deputized drive, and usually means their registration date is the day they complete a form with the deputy registrar, rather than the day that form is returned to the county clerk.

States With Deputy Registrar Systems (Cannot Collect Voter Registration Forms if Not Deputized):	<i>Hawaii, Texas</i>
States With Deputy Registrar Systems (Can Collect Forms Without Deputization):	<i>Arizona, California, Delaware, Georgia, Illinois, Louisiana, Maine, Mississippi, Missouri, Nebraska, Nevada, West Virginia, Wisconsin</i>
States With Quasi-Deputy Registrar Systems (Cannot Collect Forms Without Training, Registration, Etc.):	<i>Colorado, Maryland, Missouri, New Mexico</i>
States With Quasi-Deputy Registrar Systems (Only Applies to Paid Registrars):	<i>California</i>

Arizona

Arizona has a formal deputy registrar system, but allows drives to register voters outside of that system as well. State officials suggest that the system is in fact no longer used, although the statute providing for their appointment is still on the books.

Deputy Registrar System: Under existing state law, deputy registrars are required to register with the state; only qualified electors are allowed to be deputy registrars, and deputy registrars are required to serve without pay.³

Non-Deputized Registrars: For groups interested in conducting voter registration drives, registration to be deputy registrars is not necessary.⁴

California

California law requires those paid to circulate voter registration applications to disclose identifying information on applications they collect and give a receipt to the voter. Their employers must also gather signed acknowledgments of their duties under the law and maintain records relating to paid circulators for three years. Violations of these provisions carry criminal penalties. California also has a traditional deputy registrar program, but drives are free to circulate forms without becoming deputized.

Turnaround Time. California law requires that all individuals and organizations who collect completed voter registration cards, not just compensated circulators, return those cards to county elections officials or deposit the cards in the postal service within three days, excluding weekends and holidays, of their receipt from voters.⁵

Voter Registration Application Form Disclosure and Receipt. Any person paid to collect voter registrations must list their name, telephone number, and address, and the name and telephone number of their employer, and affix their signature, on each registration card they collect.⁶ Persons collecting voter registration applications must also complete a receipt with their address and telephone number and give it to the voter.⁷

Recordkeeping. Persons, companies, or organizations that compensate others to collect voter registration applications are required to retain for three years, to be produced on demand, the name, address, and telephone number of each of their employees, and a signed acknowledgement of the employee's receipt of a statement describing their duties under the law.

Criminal Penalties. Failure to return a form within three days is a misdemeanor, punishable by fine up to \$1,000.⁸ The willful failure to give a receipt to a voter with the

³ ARIZ. REV. STAT. ANN. § 16-131(D).

⁴ *Id.* § 16-131(E).

⁵ CAL. ELEC. CODE § 2138 (2006).

⁶ *Id.* § 2159.

⁷ *Id.* § 2158.

⁸ *Id.* § 18103.

circulator's name, address, and telephone number is an infraction, punishable by fine up to \$200.⁹ People who are compensated for collecting forms and fail to put 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. A third or subsequent conviction is punishable by fine up to \$10,000 or one year in jail.¹⁰ Failure to comply with the recordkeeping requirements for persons or organizations compensating persons to collect forms is a misdemeanor punishable by a \$1,000 fine or six months in jail, or, if the violation is found to be willful, one year. A third or subsequent conviction is punishable by fine up to \$10,000 or one year in jail.¹¹ 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.¹²

Deputy Registrar Program. California law also provides for the appointment of deputy registrars to encourage voter registration, who register voters following the same procedures as official registrars.¹³ Any deputy registrar who "knowingly neglects or refuses to return affidavits of registration" is guilty of a misdemeanor.¹⁴

Colorado

Colorado's law, enacted in the wake of the 2004 election, requires voter registration drives to register and to identify counties where they plan to operate. Every voter registration drive volunteer must be trained by a voter registration drive organizer, who in turn must be trained by the state. Voter registration drives are assigned a unique number, which they must mark on each state voter registration form they collect. Forms must be returned within fifteen days of collection, and within five days of collection in the last thirty days before book-closing. Violations are punished by civil fines, including per-form fines for willful failure to meet the deadline.

Applicability of law. Colorado's law applies to any two or more persons who distribute and collect voter registration applications for delivery to election officials.¹⁵

Pre-registration and disclosure. The law requires all voter registration drive organizers, before registering any voters, to register with the state and to designate an agent who is a state resident.¹⁶ New regulations issued by the Secretary of State prescribe that the organizer must file a "statement of intent" listing the name and contact information of the organization, the name and contact information of the agent, and all counties in which the organization intends to register voters.¹⁷ If the organization plans to register voters in additional counties, the

⁹ *Id.* § 18107.

¹⁰ *Id.* § 18108.

¹¹ *Id.* § 18108.5.

¹² *Id.*

¹³ CAL. ELEC. CODE § 2103(b) (Deering 2007).

¹⁴ CAL. ELEC. CODE § 18104 (Deering 2007).

¹⁵ COLO. REV. STAT. § 1-1-104(50.4) (2006).

¹⁶ *Id.* § 1-2-701(1).

¹⁷ 8 COLO. CODE. REGS. § 1505-1 (44.1.1) (2006).

regulations require it to submit a written amendment to its “statement of intent” three business days before commencing voter registration in those counties.¹⁸ The “statement of intent” may be filed up to thirty days before a general election,¹⁹ and it expires at the end of the calendar year.²⁰

Training. The law requires the voter registration organizer to be trained by the state, and to train each of their workers in turn.²¹ The regulations require organizers to complete state-provided training before engaging in voter registration.²² The regulations also require organizers to train individual circulators using materials provided by the Secretary of State and to keep signed attestations from each circulator on file.²³

Number issued by Secretary of State. 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.²⁴ The Secretary may deny a VRD number if the Secretary cannot verify the information on the “statement of intent.”²⁵ Organizations may not engage in voter registration drives until the Secretary issues a VRD number.²⁶ Once the Secretary of State approves the voter registration drive, she posts on the web the name and contact person of a registration organization.²⁷

Special voter registration forms. The law requires voter registration drives to use voter registration application forms approved by the Secretary of State.²⁸ The regulations allow for use both of the federal voter registration form and special state forms, but encourage groups to use the state forms. 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,²⁹ and to ensure that the receipt is given to the applicant.³⁰ 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.³¹

Turnaround time. The law requires all voter registration circulators to submit completed forms collected from applicants to the voter registration organizer. It further requires the organizer to deliver or postmark the applications to the appropriate county election officials within fifteen business days after the application is signed, and during the thirty days prior to a book-closing deadline, five days.³²

¹⁸ *Id.* (44.1.2).

¹⁹ *Id.* (44.1.4).

²⁰ *Id.* (44.1.1(e)).

²¹ COLO. REV. STAT. § 1-2-701(2).

²² 8 COLO. CODE REGS. § 1505-1 (44.2.1).

²³ *Id.* (44.2.2).

²⁴ *Id.* (44.3).

²⁵ *Id.* (44.1.2).

²⁶ *Id.* (44.4.5).

²⁷ *Id.* (44.3(c)).

²⁸ COLO. REV. STAT. § 1-2-702(1).

²⁹ 8 COLO. CODE REGS. § 1505-1 (44.4.3).

³⁰ *Id.* (44.4.4).

³¹ *Id.* (44.4.6).

³² COLO. REV. STAT. § 1-2-702(2).

Civil fines. The law imposes fines of up to five hundred dollars for a voter registration drive organizer who:

- (1) conducts a voter registration drive without filing a statement of intent, maintaining a designated agent with the state, or using a voter registration application form other than that approved by the Secretary of State;³³ or
- (2) fails to complete the training requirements mandated by the Secretary of State.³⁴

A voter registration drive organizer also faces a fine of up to one thousand dollars if he or she compensates a circulator based on the number of forms circulated or collected.³⁵

Additionally, 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 (see above) will result in a \$50 per form, per business day fine.³⁶ An organizer who has been fined three or more times for such failure may be fined an additional \$1,000.³⁷ Any intentional failure to deliver a form within the specified period is punishable by a \$5,000 fine.³⁸

Delaware

Delaware has a deputy registrar system (called “temporary registrar” by state law) that is mandatory for drives using state forms. To participate in the system, drives must register with the state with the name of individual volunteers, 30 days before a drive begins, and have each of their volunteers or employees trained and certified as temporary registrars. Forms must be returned every five days, and at the end of a drive, all blank or spoiled registration forms must also be returned to the government. Temporary registrars may not advocate for particular parties or candidates while registering voters.

Pre-Registration. Entities must register with the Commissioner of Elections before registering people to vote.³⁹ This requirement applies to discrete voter registration drives as well as drives run on a continuing basis.⁴⁰ 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 date when the voter drive will begin; the target audience or scope of the drive; the name, address, and phone number of the organizer of the drive; the names of all temporary registrars; attestation by the chief official of the organization that he has authorized the drive; and the number of applications requested.⁴¹ The Commissioner must approve all applications as long as they are received at least 30 days before the drive begins, have scheduled a training date before the drive, and are submitted by entities

³³ *Id.* § 1-2-703(1).

³⁴ *Id.* § 1-2-703(2).

³⁵ *Id.* § 1-2-703(4).

³⁶ *Id.* § 1-2-703(3)(a).

³⁷ *Id.* § 1-2-703(3)(b).

³⁸ *Id.* § 1-2-703(3)(c).

³⁹ DEL. CODE tit. 15, § 2060.

⁴⁰ *Id.*

⁴¹ *Id.*

that have not violated any of the registration rules in the past.⁴² Voter registration drives participating in the temporary registrar system may not “[s]eek to influence an applicant’s political preference or party registration,” and thus may not engage in partisan activity.

Training. Individuals hoping to participate in a voter registration drive must become certified deputy registrars, which requires training by the election commissioner or another elections office staff person. The date for training is on the first Thursday of the month or as otherwise arranged with the Commissioner of Elections.⁴³ The training program is developed by the Commissioner of Elections, as is a program for periodic recertification for those involved in continuing registrations.⁴⁴

Forms. Voter registration forms and other required materials can be picked up as directed by the Commissioner of elections.⁴⁵ Generally, the coordinator of a registration drive will receive forms on the night of her training.⁴⁶ Each group is generally limited to 150 forms.⁴⁷ The coordinator may request additional state forms from the local department of elections at any time.⁴⁸ There is no formal limit to how many forms can be given to a group at one time, nor how many forms must be turned in before new forms can be received.⁴⁹ The local department of elections will keep a record of how many forms each group holds, and will generally give out new forms in batches of 150 when they are requested.⁵⁰

Turnaround time. For discrete voter registration drives, completed applications, as well as unused applications, voided or damaged applications, completed forms, and excessive materials must be returned within 5 days after the end of the drive.⁵¹ For a continuing voter registration drive, all completed applications must be sent in at least once every 5 working days.⁵²

Penalties: Failure to comply with any of the provisions subjects an entity or organization to a fine up to \$1,000, and loss of right to be involved in voter registration for up to 5 years.⁵³

Informal Registration Drives Using Federal Forms: Anyone can download federal forms offline and engage in voter registration without taking part in the formal Delaware registration process.⁵⁴

⁴² *Id.* § 2062.

⁴³ *Id.* § 2060(9).

⁴⁴ DEL. CODE tit. 15, § 2061.

⁴⁵ *Id.* at § 2063.

⁴⁶ Telephone Interview with Deb Greer, Elections Representative at the Del. Sec. of State (May 9, 2008).

⁴⁷ *Id.*

⁴⁸ Telephone Interview with Deb Greer, Elections Representative at the Del. Sec. of State (May 21, 2008).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ DEL. CODE tit. 15, § 2063(a).

⁵² *Id.* § 2063(b).

⁵³ *Id.* § 2063(e).

⁵⁴ Telephone Interview with Deb Greer, Elections Representative at the Del. Sec. of State (May 21, 2008).

Georgia

Georgia has a formal deputy registrar system, but also allows anyone to circulate state voter registration forms without being certified. Deputy registrars are required to register with the state and are not allowed to do door-to-door registration, but are exempt from other rules that apply to non-formal drives, such as the ban on accepting unsealed registration forms (although that ban is currently under injunction in ACORN v. Cox, No. 1:06-cv-01891-JTC (N.D. Ga.)). Deputy registrars are also not allowed to engage in partisan activity while registering voters.

Forms. The provision of forms is regulated by county. However, county offices will refer requests for large numbers of forms to the Secretary of State's office, which generally holds groups to a maximum of 10,000 applications per calendar year.⁵⁵ These rules apply equally to deputized and non-deputized drives.

Deputy Registrars. To participate in the deputy registrar system, drives must have their participants certified as deputy registrars, after training. Formal drives must be registered with the state. Furthermore, formal drives cannot engage in door-to-door registration, since their registration with the state is contingent upon naming a specific location for registration.

Non-Deputized Registrars. Anyone who does not register with the state can still hand out and collect registration forms as an "informal drive." Unlike deputy registrars, informal registration drive participants may register via door-to-door solicitation.⁵⁶ However, unregistered volunteers are subject to some additional rules. Regulations state that no one "may accept a completed registration application form from an applicant unless" the application "has been sealed."⁵⁷ The rule also separately prohibits the copying of completed registration applications.⁵⁸ Deputy registrars are exempt from these rules.⁵⁹ However, neither of these rules are being enforced currently, pursuant to a preliminary injunction entered in *ACORN v. Cox*, No. 1:06-cv-01891-JTC (N.D. Ga.); litigation of the case towards final judgment continues.

Turnaround Time. Both deputy registrars and other drives are required to turn in forms within ten days of collection.

Penalties. Any violation of these rules can trigger a civil penalty of up to \$5,000 per violation.⁶⁰

⁵⁵ Telephone Interview with a representative at the Ga. Sec. of State Elections Division (May 7, 2008).

⁵⁶ *Id.*

⁵⁷ GA. COMP. R. & REGS. 183-1-6-.03(o)(2) (2006).

⁵⁸ *Id.*

⁵⁹ *Id.* 183-1-6-.03.

⁶⁰ GA. CODE ANN. § 21-2-33.1(a)(2).

Hawaii

Hawaii law explicitly forbids the collection of completed voter registration applications by anyone not deputized as a registrar. Non-deputized individuals may distribute forms without collecting them, but are expressly forbidden from “[c]ampaigned or promoting of political issues” while distributing forms.

Forms. The clerk and chief election officer may make voter registration forms available to community groups, political parties, candidates, and other organizations for distribution.⁶¹ The clerk or chief election officer may set a limit on the number of forms released to each individual or group.⁶²

Deputy Registrars and Training. Deputy registrars must be trained and certified by the county clerk.⁶³ Training and other information relevant to becoming a deputy clerk varies by county. In the county of Hawaii, training requires signing up for and attending a class given at specified times during the year, usually only in months preceding the election.⁶⁴ Deputies are certified at the discretion of the county clerk.

Turnaround time. If the person or organization is authorized to collect completed voter registration forms, the voter registration forms shall be submitted in the time and manner specified by the chief election officer or clerk.⁶⁵ Regulations for submission of registration applications varies county by county.⁶⁶

Illinois

Illinois has a deputy registrar system, but pursuant to the NVRA, does not prevent drives from collecting forms outside of that system. Non-deputy registrar drives must nonetheless make any requests for forms in excess of 50 forms to the state board of elections along with a written plan for distribution; the state board is empowered to deny any request not accompanied by a written plan and to charge for any forms in excess of 200. Only certain people may become deputy registrars, including those appointed by labor and civic organizations, and deputy registrars must submit forms within certain deadlines or face penalties not applicable to those outside the deputy system.

Forms. Requests for forms in excess of fifty can be made to the State Board of Elections, which requires organizations to submit a copy of their plans to distribute the applications before filling the request.⁶⁷ If a written plan is not submitted, the State Board of Elections will reject the request. The State Board of Elections shall charge the requesting party

⁶¹ HAW. REV. STAT. § 2-51-29.

⁶² *Id.*

⁶³ Telephone Interview with Shyla Ayau at the County of Haw. Office of Elections (May 12, 2008). [hereinafter Haw. Telephone Interview].

⁶⁴ *Id.*

⁶⁵ HAW. REV. STAT. § 2-51-29(c)(5).

⁶⁶ Haw. Telephone Interview, *supra* note 61.

⁶⁷ *Id.*

the actual cost of reproducing the forms for any quantities requested over 200.⁶⁸ These rules apply to both deputized and non-deputized drives.

Deputy Registrars. Only certain people are eligible to become deputy registrars in Illinois, and they must make a written request to do so. The election authority must appoint as a deputy registrar all individuals who qualify, except that it may limit the appointments of individuals affiliated with labor organizations and civic organizations.⁶⁹ If the application is denied, the election authority must provide a written explanation as to why.⁷⁰

All deputy registrars must be registered voters in the jurisdiction of the appointing election authority.⁷¹ All registrars may accept registrations at any time other than the 27-day period before any election.⁷²

Training. Deputy Registrars must be trained under the direction of the election commission.⁷³ Training must include: instructions as to the duties and limitations of deputy registrars; instructions as to the proper completion of registration forms; the dates when registration is and is not allowed; date when complete forms must be submitted for processing; an explanation of office procedures for processing cards; procedures on changes of address; explanation of local guidelines or rules adopted by the election authority; and general information regarding the statutory requirements for registering to vote in Illinois.⁷⁴

Turnaround time for deputy registrars. Completed registration materials under the control of deputy registrars appointed pursuant to subsection (a) shall be returned to the appointing election authority within 7 days, which shortens to two days during the week before book-closing.⁷⁵

Collection and submission of forms by non-deputy registrars. Individuals not certified as deputy registrars may distribute and collect registration applications in accordance with federal law under the NVRA.⁷⁶ This allowance (for non-deputies to register voters) was made pursuant to the NVRA, and is not specifically contained in the Illinois Election Code.⁷⁷

Turnaround time for non-deputy registrars. All persons accepting voter registration applications that are not deputy registrars are “encouraged” to transmit completed applications not more than ten days after execution if applications were executed more than five days before voter registration closes, or not more than five days after execution if applications were executed within five days of when registration closes.⁷⁸

⁶⁸ *Id.*

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

⁷⁰ *Id.*

⁷¹ *Id.* §§ 5/4-6.2, 5-16.2, 6-50.2, 6-59.1.

⁷² *Id.* §§ 5/4-6.2, 5-16.2, 6-50.2.

⁷³ *Id.* §§ 5/4-6.2(b), 4-9, 5-8, 5-16.2(b), 6-36, 6-50.2(b).

⁷⁴ *Id.* §§ 5/4-6.2(b), 4-9, 5-8, 5-16.2(b), 6-36, 6-50.2(b).

⁷⁵ *Id.* §§ 5/4-6.2, 5-16.2, 6-50.2, 6-59.1.

⁷⁶ Telephone Interview with Eric Donnewald, Elections Representative at the Ill. State Bd. of Elec. (May 12, 2008).

⁷⁷ *Id.*

⁷⁸ ILL. ADMIN. CODE tit. 26, § 216.70.

Penalty. A deputy registrar’s failure to submit forms when they are due can result in revocation of his or her appointment as a deputy registrar.⁷⁹ Knowing violation of any of the laws governing deputy registrars constitutes a Class A misdemeanor,⁸⁰ punishable by up to one year in jail or up to a \$2,500 fine.⁸¹ No penalty applies to non-deputy registrars.

Louisiana

Louisiana has a non-exclusive deputy registrar system.

Deputy registrar system. Louisiana law provides for the appointment of deputy registrars, who act as registrars in registering voters.⁸² Registrars who are government employees may not be able to engage in political activity.⁸³

Maine

Maine has a non-exclusive deputy registrar system.

Deputy registrars are appointed by registrars and serve at their will.⁸⁴ They 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.⁸⁵ They may be compensated for their services by local elections officials.⁸⁶

Maryland

While Maryland law does not contain a direct prohibition on assisting voters in completing voter registration forms or collecting and submitting forms outside of its “voter registration volunteer” program, the state Board of Elections has indicated that it believes that all drives using either state or federal forms must use voter registration volunteers, and conditions the distribution of blank state voter registration forms on drives using volunteers. Volunteers must be trained and certified, and serve at the discretion of the county boards of elections.

Voter registration volunteers. Maryland law provides that an individual may register “with the assistance of a volunteer authorized by the state or local board” of elections.⁸⁷ According to regulations, to qualify as a “voter registration volunteer,” an individual must be of voting age, receive specified training, sign an affidavit, and receive a certificate from the “instructing authority.”⁸⁸

⁷⁹ 10 ILL. COMP. STAT. § 5/4-6.2(B), 5/4-7, 6-50.2(b).

⁸⁰ *Id.* § 5/29-12.

⁸¹ 730 ILL. COMP. STAT. § 5/5-8-3, 5/5-9-1.

⁸² LA. REV. STAT. ANN. § 18:59(a); 18:52 (2007).

⁸³ LA. REV. STAT. ANN. § 18:62(2007).

⁸⁴ ME. REV. STAT. ANN. tit. 21-A, § 102 (2007).

⁸⁵ ME. REV. STAT. ANN. tit. 21-A, § 101(1) (2007).

⁸⁶ ME. REV. STAT. ANN. tit. 21-A, § 102(1), 101(5) (2007).

⁸⁷ MD. CODE ELEC. LAW. § 3-201(a)(6).

⁸⁸ MD. CODE REGS. 33.05.03.06(B).

Training. The regulations require voter registration volunteers to receive training by the State Administrator or an election director before registering voters.⁸⁹ The state or local boards are required to provide training as they “consider[] necessary,”⁹⁰ but local boards may establish and publicize a fixed schedule of training sessions.⁹¹ Groups must be treated equitably and given equal access to training.⁹² A voter registration volunteer who does not complete the training or who does not comply with the instructions may be disqualified from registering voters.⁹³ The determination as to whether an individual qualifies as a voter registration volunteer is in the discretion of the State Administrator or election director.⁹⁴

Local board requirements. The regulations empower local boards to adopt criteria and procedures for distributing and returning voter registration forms.⁹⁵

Mississippi

Mississippi has a non-exclusive deputy registrar system.

With the consent of the board of election commissioners, registers may appoint deputy registrars.⁹⁶ Municipal clerks must be appointed as deputy registrars.⁹⁷

Missouri

Missouri’s new law imposes general rules on anyone registering voters, and additional rules on those paid to register voters. All drives must return forms within seven days, on pain of strict criminal liability. Those paid to circulate forms must register individually with the state. Missouri also has a non-exclusive deputy registrar system.

Turnaround time. Missouri’s law requires any person, paid or unpaid, who “accepts or receives a voter registration application from another person and agrees or offers to submit” that application to the county election authority to return the application within seven days from receipt of the application, or face criminal penalties of up to a year in jail and/or up to \$2,500 in fines.⁹⁸ There is no requirement that the failure to deliver the application be knowing or deliberate; instead, the law imposes strict criminal liability.

Registration with the state. Anyone “who is paid or otherwise compensated” for registering more than ten voters has to be registered with the state as a “voter registration solicitor,” providing his or her name, residential and mailing addresses, and the name of the

⁸⁹ *Id.* 33.05.03.06(B) & (C).

⁹⁰ *Id.* 33.05.03.06(D).

⁹¹ *Id.* 33.05.03.06(D)(1).

⁹² *Id.* 33.05.03.06(D)(2) & (3).

⁹³ *Id.* 33.05.03.06(G).

⁹⁴ *Id.* 33.05.03.06(H).

⁹⁵ *Id.* 33.05.03.06(J).

⁹⁶ MISS. CODE ANN. § 23-15-223 (2007).

⁹⁷ MISS. CODE ANN. § 23-15-223 (2007).

⁹⁸ MO. REV. STAT. § 115.203 (2006).

individual or organization paying him or her. The solicitor must also affirm under penalty of perjury that all this information is true.⁹⁹ A failure to register carries the same criminal penalties as missing the deadline, but anyone convicted is also permanently disenfranchised in Missouri.¹⁰⁰

Eligibility requirements. Only individuals over eighteen who are registered to vote in Missouri may act as solicitors (paid or compensated workers).

Formal deputy registrar system. Election authorities can appoint registered voters in the jurisdiction as deputy registration officials.¹⁰¹ Deputy registration officials must comply with reasonable instruction by election authorities.¹⁰² Registered voters appointed as deputy registrars must conduct voter registration at times and places designated by election authorities.¹⁰³

Nebraska

Nebraska has a deputy registrar system, but drives can collect forms outside that system. However, non-deputies cannot help voters complete registration forms. Deputies must be certified and trained by county clerks, and county clerks must approve all voter registration drives proposed by deputies.

Forms. Individuals can print forms off the Nebraska website or can pick them up from the local election office. Such individuals are expected to cover the cost of the forms procured.¹⁰⁴

Requirements to become Deputy Registrar. A person hoping to become a deputy registrar must (1) successfully complete an application; (2) successfully complete a training session conducted by the election commissioner or county clerk; (3) take an oath; and (4) notify the election commissioner or county clerk of the location and time of the proposed voter registration and names and party affiliations of the deputy registrars at least 72 hours prior to “required publication deadlines.”¹⁰⁵ County clerks have discretion to approve or disapprove of proposed voter registration drives.

Training. The training session may vary in length but shall not exceed four hours.¹⁰⁶ Training sessions vary by county, but the Secretary of State must inspect and review all training programs, procedures, and practices to assure that they relate to the position of a deputy registrar and his or her duties.¹⁰⁷

⁹⁹ *Id.* § 115.205.

¹⁰⁰ *Id.* § 115.635.

¹⁰¹ MO. ANN. STAT. § 115.143(2) (2007).

¹⁰² MO. ANN. STAT. § 115.147(1) (2007).

¹⁰³ MO. ANN. STAT. § 115.147(2) (2007).

¹⁰⁴ Telephone Interview with Elections Representative at the Miss. Sec. of State Elections Division (May 8, 2008).

¹⁰⁵ NEB. REV. STAT. § 32-305.

¹⁰⁶ *Id.* § 32-305(4).

¹⁰⁷ *Id.* § 32-305(4).

Turnaround Time. 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.¹⁰⁸

Penalty. Noncompliance with any procedure, rule, regulation, or guideline may result in the revocation of the deputy registrar's status.¹⁰⁹ A deputy registrar's willful neglect of duty constitutes a felony.¹¹⁰

Nevada

In Nevada, like Nebraska, individuals who are not certified by the state (as "field registrars," in Nevada's terminology) may collect completed voter registration forms. Field registrars "serve at the pleasure of the county clerk" and are under the clerk's direction. Drives not using field registrars must also, in order to get blank forms in quantities greater than 50, to file a request with the Secretary of State including a plan for distribution of the forms.

Field Registrars. Field registrars are appointed by the county clerk and serve at their pleasure and under their direction. Candidates for office cannot serve as field registrars. Field registrars may not engage in political activity while registering voters.¹¹¹

Turnaround time for field registrars. Field registrars must return completed forms to the county clerk whenever they have five or more forms in their possession, but in any case, after ten days. Field registrars must also return all blank forms in their possession to the clerk within five days after a book-closing deadline. Field registrars are also required to submit a separate list of the serial numbers of completed voter registration forms along with the names of the voters.¹¹²

Registration by non-field registrars. Nevada regulations specifically allows for the provision of forms to non-field registrars.

Forms for non-field registrars. The county clerk shall make registration application forms available to individual candidates, political parties, civic groups, and groups organized for or against questions on a ballot.¹¹³ Each request for more than 50 such 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.¹¹⁴

¹⁰⁸ *Id.* § 32-306.

¹⁰⁹ *Id.* § 32-305.

¹¹⁰ *Id.* § 32-1504.

¹¹¹ NEV. REV. STAT. ANN. § 293.505.

¹¹² *Id.*

¹¹³ NEV. ADMIN. CODE § 293.425.

¹¹⁴ *Id.*

Receipt. Nevada law also requires that anyone, field registrar or not, who assists a voter in completing a form and also collects the form for submission “shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form.”¹¹⁵

Penalties. Violation of any of the rules governing field registrars results in suspension of the field registrar, and if the violation rises to willful neglect of duty, or willful hindrance of the objects and purposes of the election laws, will constitute a Class E felony, punishable by one to four years in person and up to a \$5,000 fine.¹¹⁶ Political activity by a field registrar or failure to complete a voter’s receipt are also Class E felonies.

New Mexico

New Mexico’s law applies to anyone who “registers or assists in registering voters,” leaving open the possibility that it applies to groups that merely distribute and do not collect forms, as well as those who collect and submit forms on behalf of voters. It requires preregistration of groups and of each individual, which has in practice included training and certification by the county clerk, controls the number of forms given to drives, and imposes a year-round forty-eight hour deadline on the return of forms, the shortest in the country. In practice, counties also require drives to account for all state forms used, meaning drives must return spoiled or unused forms to the county. Violations of the rules are subject to criminal and civil penalties.

Applicability of law. The law applies to people who work on behalf of organizations to register voters or assist voters in registering.¹¹⁷ The regulations issued by the Secretary of State to enforce the new law define “organization” as “one or more persons organized as a group . . . engaged in voter registration activities.”¹¹⁸

Pre-registration. The law requires groups to register with the Secretary of State, providing the name and address of the organization, and the names, permanent addresses, and dates of birth of every person employed by or volunteering with the organization to register voters.¹¹⁹ Organizations must also provide a sworn statement from each employee or volunteer stating that he or she will obey all state laws and rules.¹²⁰ The regulations require that all of this information be turned into elections officials before an agent does any voter registration work in the state.¹²¹

Availability of Forms. The statute empowers the Secretary of State to issue rules requiring organizations to account for all registration forms they use.¹²² The Secretary of State in turn has issued rules limiting the availability of forms to only fifty forms per request.¹²³ Increases in the number of forms provided are available only at the discretion of the Secretary of

¹¹⁵ NEV. REV. STAT. ANN. § 293.505.

¹¹⁶ *Id.* §§ 193.130, 293.505, 293.800.

¹¹⁷ N.M. STAT. ANN. § 1-4-49 (A).

¹¹⁸ N.M. CODE R. § 1.10.25.7 (A).

¹¹⁹ N.M. STAT. ANN. § 1-4-49 (A)(1), (2).

¹²⁰ *Id.* § 1-4-49 (A)(3).

¹²¹ N.M. CODE R. § 1.10.25.8 (A).

¹²² N.M. STAT. ANN. § 1-4-49 (C).

¹²³ N.M. CODE R. §§ 1.10.25.8 (C), 1.10.25.10 (B).

State or county clerk.¹²⁴ In addition, every form issued to third-party registration groups will include a traceable number,¹²⁵ as well as a tear-off receipt to be given to the applicant.¹²⁶

Turnaround time. Voter registration organizations must now return voter registration forms to the state or county within forty-eight hours of their completion by the voter.¹²⁷

Criminal Penalties. Anyone who intentionally violates any provision of the new law is guilty of a petty misdemeanor¹²⁸ and subject to criminal penalties, including a \$500 fine and six months in jail for each violation of law.¹²⁹ If the individual committing the violation has decision-making authority or is an officer of an organization, the organization itself is subject to the civil penalties described below.

Civil Penalties. In addition to the criminal penalties for intentional violations of the law, individuals are also subject to civil actions, 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 \$5,000.¹³⁰

Copying forms. It is also illegal to photocopy a voter registration form without obscuring the voter’s Social Security number and birthdate. Any violation of this rule is a fourth-degree felony.¹³¹

Texas

It is a crime under Texas law to “act as a deputy registrar” without appointment, and it is forbidden to collect another person’s voter registration form unless one is either a deputy registrar or the person’s lawfully appointed agent; only family members are eligible for appointment as agents. Deputy registrars must be certified and trained, and must return forms within five days; violations of the deputy registration rules are criminal offenses.

Deputy Registrars. A person desiring to serve as a volunteer deputy registrar must request appointment by the registrar in person or by mail.¹³² A registrar may not refuse to appoint as a volunteer deputy registrar a resident of the county served by the registrar.¹³³ A volunteer deputy registrar may distribute voter registration application forms throughout the county and receive registration applications submitted to the deputy in person.¹³⁴ Upon request, deputy registrars must present their certificate of appointment to voter registration applicants.¹³⁵

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ N.M. STAT. ANN. § 1-4-49 (B).

¹²⁸ *Id.* § 1-4-49 (D).

¹²⁹ *Id.* § 31-19-1 (B).

¹³⁰ *Id.* § 1-4-49(E).

¹³¹ *Id.* § 1-4-5.

¹³² TEX. ELEC. CODE ANN. § 13.033(a).

¹³³ *Id.* § 13.032.

¹³⁴ *Id.* § 13.038.

¹³⁵ *Id.* § 13.033(d).

Receipt. Deputy registrars must give voters receipts for forms they collect.¹³⁶

Training. Those hoping to become deputy registrars must attend a very brief 5-10 minute training session with a staff person at the Board of Elections. The training consists of reviewing how to fill out the registration application and its accompanying receipt. Trainings are not limited to specified dates; any one hoping to participate may come in for training at any time.¹³⁷

Turnaround time. Applications must be delivered to the registrar not later than 5 p.m. of the fifth day after the date the application is submitted to the volunteer deputy registrar.¹³⁸

Penalty for Deputy Registrars. An offense under this section is a Class C misdemeanor, unless the offense is intentional, in which case the offense is a Class A misdemeanor.¹³⁹ Class C misdemeanors carry a \$500 fine; Class A misdemeanors can be punished by up to a year in jail and \$4,000.¹⁴⁰

Penalty for Those Not Deputized. A person commits an 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. An offense under this section is a Class C misdemeanor.¹⁴¹

West Virginia

West Virginia law allows for the provision of temporary or volunteer registrars, who must work in teams of opposing parties.

West Virginia county officials can appoint temporary registrars, who are paid, or volunteer registrations, who are unpaid.¹⁴² Temporary or volunteer registrars must work in pairs, each representing opposing political parties.¹⁴³ Temporary or volunteer registrars must have the same eligibility qualifications of elected officials.¹⁴⁴ Registrars may be made ineligible if they fail to appear to perform their duties; alter or destruct a voter registration application; improperly influence or intimidate registrants; or are under the influence of alcohol or drugs, or have made a bet on an election.¹⁴⁵ Temporary or volunteer registrars are trained and supervised by the clerk of the county commission.¹⁴⁶ Temporary or volunteer registrars take an oath to perform their duties, which is filed with the clerk of the county commission.¹⁴⁷

¹³⁶ *Id.* § 13.040.

¹³⁷ Telephone Interview with Kathy Trimble, Registrar, Texas Board of Elections (May 9, 2008).

¹³⁸ TEX. ELEC. CODE ANN. § 13.042(b).

¹³⁹ *Id.* §13.043.

¹⁴⁰ Tex. PENAL CODE ANN. §§ 12.21, 12.23.

¹⁴¹ *Id.* § 13.044.

¹⁴² W. VA. CODE ANN. § 3-2-9 (LexisNexis 2007).

¹⁴³ W. VA. CODE ANN. § 3-2-9(a) (LexisNexis 2007).

¹⁴⁴ W. VA. CODE ANN. § 3-2-9(b) (LexisNexis 2007).

¹⁴⁵ W. VA. CODE ANN. § 3-2-9(b) (LexisNexis 2007).

¹⁴⁶ W. VA. CODE ANN. § 3-2-9(a) (LexisNexis 2007).

¹⁴⁷ W. VA. CODE ANN. § 3-2-9(c) (LexisNexis 2007).

Wisconsin

*Wisconsin has a formal deputy registrar system (deputies are called “special registration deputies”), but explicitly allows non-deputies to collect forms. Voter registration drives are encouraged, however, to participate in the deputy system.*¹⁴⁸

Deputy Registrars. The primary means of conducting voter registration drives in Wisconsin is through officially sanctioned special registration deputies.¹⁴⁹ The applicant can be certified to register voters in either one (or more) specific municipality, or across the entire state.¹⁵⁰ However, state administrative code also allows for conducting voter registration drives without the use or assistance of a special registration deputy.¹⁵¹

Training. Special registration deputies are required to complete a training program, designed by the state.¹⁵²

Special Forms. When conducting voter registration drives, deputies are required to print his or her name on, sign, and number each registration form, providing a record of having accepted the form.¹⁵³

Pre-Book-Closing Deadlines

Other states require voter registration drives to return forms periodically, before the general book-closing deadline applicable to all other voter registration forms. These deadlines, or more properly turnaround times, on voter registration drives range from New Mexico’s forty-eight hour period, described *supra*, to Louisiana’s thirty-day period, with most states who have enacted turnaround times settling on ten days. Whether or not extra deadlines imposed on drives might be justified by state interests, it is certainly the case that deadlines penalized by heavy fines or criminal sanctions—especially where innocent mistakes are punished—can have a chilling effect on voter registration drives, and particularly their recruitment of volunteers and/or employees.

¹⁴⁸ WIS. STAT. § 12.13(3)(ze).

¹⁴⁹ Telephone interview with Steven Pickett, Elections Specialist, Wisconsin Government Accountability Board (July 1, 2008).

¹⁵⁰ WIS. STAT. § 6.26(2)(a).

¹⁵¹ WIS. ADMIN. CODE GAB § 3.20(4).

¹⁵² WIS. STAT. § 6.26(2)(c).

¹⁵³ *Id.* § 6.26(4).

State	Deadline	Penalty	Mental State
Arkansas	Twenty-one days	Misdemeanor (up to \$1000 fine/one year in jail)	Willful violation
California*	Three days, excluding weekends and holidays	Misdemeanor (up to \$1,000 fine)	Knowing or negligent failure
Colorado*	Fifteen days; five days during the thirty day-period before book closing	Civil fines (\$50 per day, per form; additional \$1,000 fine on third offense)	Willful failure; intentional failure carries an additional \$5,000 fine
Delaware*†	Five days	Civil fines (up to \$1,000)	None
Florida	Ten days	Civil fine (\$50 per form)	None; exceptions for <i>force majeure</i> and impossibility of performance
Georgia*	Ten days	Civil fines (up to \$5,000)	None
Illinois*†	Seven days (forty-eight hours in week before book-closing)	Misdemeanor (up to \$2,500/one year in jail)	Knowing violation
Louisiana	Thirty days	Criminal penalties (up to \$1,000/one year for first offense; \$2,500/five years for subsequent offenses)	Knowing, willful, or intentional violation
Missouri*	Seven days	Misdemeanor (up to \$2500/one year)	None
Nevada*†	Ten days (or whenever a field registrar has five or more forms)	Felony (up to \$5,000/one to four years)	Willful neglect of duty or hindrance of purpose of election law
New Mexico*	Forty-eight hours, excluding weekends and holidays	Petty misdemeanor (up to \$500/six months); civil fines (\$250 for each violation, capped at \$5,000)	Intentional violation (for criminal penalty); no mental state requirement for civil fines
Ohio	Ten days	Criminal penalties (first degree misdemeanor for first offense involving fewer than fifty forms and no missed deadline; fifth-degree felony for other offenses)	Knowing failure
South Dakota	Ten days	Misdemeanor (up to \$500/thirty days)	No mental state indicated in statute; likely at least knowing failure

State	Deadline	Penalty	Mental State
Texas*†	Five days	Class C misdemeanor (up to \$500); intentional offenses are Class A misdemeanors (up to \$5,000/1 year)	None; intentional offenses carry a higher penalty
Virginia	Fifteen days	Misdemeanor (up to \$2,500/one year)	Intentional failure
Washington	Seven days	None	n/a
West Virginia	Fifteen days	Misdemeanor (up to \$1,000/one year)	Intentional failure

*Described in deputy registrar section above

†Applies only to deputy registrars (note that Texas does not allow non-deputies to collect forms)

Arkansas

Arkansas has a twenty-one day deadline; criminal penalties are imposed only for willful violation of the rule.

Turnaround time. Anyone who accepts a completed voter registration application from another person must return it to the registrar or the Secretary of State within twenty-one days of the date on the voter registration application.¹⁵⁴

Criminal penalties. Willful violation of the deadline is a misdemeanor,¹⁵⁵ punishable by a fine of up to \$1,000 or up to a year in jail.¹⁵⁶

Florida

Florida has a ten-day deadline. Violation of the deadline results in fines which may be levied against both the individual volunteer or employee that collected the form and the organization they work or volunteer with. There is no mental-state requirement for the imposition of fines. An earlier version of the Florida law was enjoined as unconstitutional in 2006; a constitutional challenge to the present law is currently being heard in the Southern District of Florida, League of Women Voters of Florida v. Browning, No. 08-21243.

Turnaround time. Florida law requires third-party voter registration organizations to return forms within ten days of receiving them from the voter.¹⁵⁷

Pre-registration and reporting. Voter registration organizations, before registering any voters, are technically required by the law to name a registered agent with the state and to submit a list of all individuals in charge of voter registration operations, including the group's

¹⁵⁴ ARK. CONST. AMENDMENT 51, § 9.

¹⁵⁵ *Id.* § 15.

¹⁵⁶ ARK. CODE ANN. §§ 5-1-107, 5-4-201, 5-4-401.

¹⁵⁷ FLA. STAT. § 97.0575.

management and board of directors. Registered groups must submit quarterly reports listing the date and location of each voter registration drive.¹⁵⁸ But there is no penalty for failure to register with the state; instead, the fines associated with the law are reduced by three-quarters.¹⁵⁹ However, the reduction appears to have no effect on the annual cap on fines, which remains the same.

Civil fines. Organizations that fail to return forms within ten days are subject to a \$50 per-form fine. Failure to return a form before a book-closing deadline carries a \$100 fine, and failure to return a form at all carries a \$500 fine. Where the voter registration organization or someone acting on its behalf acted willfully, the fines are increased to \$250, \$500, and \$1,000, respectively.¹⁶⁰ The law caps fines at \$1,000 per calendar year for an organization and its affiliate organizations, and allows the Secretary of State to waive fines in cases of “*force majeure* or impossibility of performance.”¹⁶¹ But the law does not make clear when two organizations are to be “affiliated” for purposes of the cap, or when an individual acting on behalf of a larger organization will be considered a separate organization for the purposes of levying fines—or indeed, when individuals will be considered “affiliated” for the purpose of the cap.

Louisiana

Louisiana has a thirty-day deadline; knowing, willful, or intentional violation of the deadline is a misdemeanor.

Turnaround Time. “No person may knowingly or intentionally... [f]ail to submit to the parish registrar of voters a completed registration application collected through a registration drive within thirty days of receipt of the completed application from the applicant.”¹⁶² “Mail 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.”¹⁶³

Penalties. Knowing, willful, or intentional violation of the deadline is a misdemeanor subject to up to a \$1,000 fine and/or a year’s imprisonment; a second offense is punishable up to \$2,500 and/or five years’ imprisonment.¹⁶⁴

Minnesota

Minnesota has a ten-day deadline; intentional violation of the deadline is a felony.

Turnaround time. Minnesota law requires that anyone accepting a completed voter registration application must submit it to elections officials within ten days after the application is dated by the voter.¹⁶⁵

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² LA. REV. STAT. § 18:1461(A)(23).

¹⁶³ *Id.* § 18:115 (E)(2).

¹⁶⁴ *Id.* § 18:1461(A)

Criminal penalties. Intentional violation of any provision of the voter registration chapter, including the ten-day deadline, constitutes a felony.¹⁶⁶ Under Minnesota law, felonies without specified penalties are subject to punishment by up to five years in prison and/or fines up to \$10,000.¹⁶⁷

Ohio

*While Ohio originally enacted an extensive set of laws restricting voter registration drives, including preregistration and training for paid circulators, most of those restrictions are unenforceable pursuant to a permanent injunction entered by the District Court for the Northern District of Ohio, Project Vote v. Blackwell, No. 1:06-cv-01628. What remains is a ten-day deadline, punishable by criminal penalty.*¹⁶⁸

Turnaround time. The law requires that all voter registration workers—paid or unpaid—must submit voter registration applications within ten days after the form is completed by registrants or by the voter registration deadline, whichever is sooner.¹⁶⁹

Criminal penalties. The first violation of the deadline that does not result in a missed voter registration deadline and concerns fewer than 50 forms is a first-degree misdemeanor; all other violations constitute “election falsification,” a fifth-degree felony that carries an additional penalty of disenfranchisement.¹⁷⁰

South Dakota

South Dakota has a ten-day deadline, violation of which is a misdemeanor.

Turnaround time. Any private entity or individual registering a person to vote must return forms within ten days.¹⁷¹

Penalty. A violation of the application submission deadline is a Class 2 misdemeanor.¹⁷² Class 2 misdemeanors are punishable by up to thirty days’ imprisonment in a county jail or a fine of up to \$500, or both.¹⁷³

¹⁶⁵ MINN. STAT. § 201.061(1).

¹⁶⁶ *Id.* § 201.27(3).

¹⁶⁷ *Id.* § 609.03(1).

¹⁶⁸ Additionally, Ohio law prevents those who were convicted of felonies in jurisdictions other than Ohio from ever registering voters; those who were convicted of felonies in Ohio are prohibited from registering voters until they have completed their criminal sentence, including any terms of probation or parole. *Id.* § 2961.01(B). It appears this odd rule was due to a drafting error, and it is likely that the distinction between those convicted of out-of-state crimes and in-state crimes would violate the constitutional protection of the right to travel. In Ohio, the right to vote itself is restored upon completion of incarceration for all felony convictions, so the ban on registering voters lasts longer than the ban on registering to vote.

¹⁶⁹ OHIO REV.CODE § 3599.11(B)(2)(a).

¹⁷⁰ *Id.*

¹⁷¹ S.D. CODIFIED LAWS § 12-4-3.2.

¹⁷² *Id.* § 12-4-3.2

¹⁷³ *Id.* § 22-6-2

Virginia

Virginia has a fifteen-day deadline, intentional violation of which is a misdemeanor.

Turnaround time. Virginia law requires that anyone who agrees to mail or deliver a signed voter registration application who fails to do so “in a timely manner” is guilty of a misdemeanor.¹⁷⁴ Applications mailed or delivered within fifteen days of signature are deemed timely, unless a book-closing deadline is sooner.¹⁷⁵

Criminal Penalties. Intentional failure to timely mail or deliver an application is a Class 1 misdemeanor, punishable by up to a year in prison and a fine of \$2,500.¹⁷⁶

Washington

Washington has a seven-day deadline, without penalty.

Turnaround Time. A 2003 law requires any person or organization collecting voter registration forms to transmit the forms to the state “at least once weekly.”¹⁷⁷ The law does not provide a penalty for violation of this rule.

West Virginia

*West Virginia has a fifteen-day deadline, intentional violation of which is a misdemeanor.*¹⁷⁸

Turnaround Time. Completed forms must be mailed or delivered within fifteen days after they are signed by the applicant.¹⁷⁹

Criminal Penalties. Intentional failure to mail or to deliver the application in a timely manner is a misdemeanor punishable by a fine of up to \$1,000 or up to a year in jail, or both.¹⁸⁰

¹⁷⁴ VA. CODE ANN. § 24.2-1002.01.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.* § 18.2-11.

¹⁷⁷ WASH. REV. CODE. ANN. § 29A.08.115 (2006).

¹⁷⁸ West Virginia also has a form-distribution rule, described *infra*.

¹⁷⁹ W. VA. CODE § 3-2-10(k).

¹⁸⁰ *Id.*

Limitations on Distribution of Forms

Finally, many states place some limitation on their provision of blank registration forms to third-party groups that can often act as a de facto preregistration system. Most voter registration drives prefer to use state forms for a variety of reasons—they are more likely to be processed correctly, because state officials are familiar with them and they contain all necessary information on their face and they are freely available to groups who would otherwise have to pay to print up federal forms, often taxing on low-budget nonprofit organizations. States often handle large numbers of forms at the state, versus county, level, and want some idea of where groups will be operating to inform counties of drives in their midst. Some states want to shift the cost of producing forms back onto drives and require they pay for bulk orders. Some of these rules may be in tension with the NVRA’s rule that forms be made generally available, “with particular emphasis on making them available for organized voter registration programs.”

Mississippi

Forms. The Secretary of State will charge a person or organization the actual cost incurred in providing bulk quantities of forms for application for voter registration to voter registration drives.¹⁸¹

Oklahoma

Forms. The Secretary of State will generally limit voter registration drives to 1,000 registration forms at a time.¹⁸² Drives will be expected to pay the costs of any form over 1,000.¹⁸³ Also, anyone can apply for permission to print or copy state registration forms themselves, but the Secretary may revoke any such permission at any time.

Utah

Forms. Candidates, parties, organizations, and interested persons may purchase by-mail voter registration forms from the county clerk or from the printer.¹⁸⁴ The clerk shall make book voter registration forms available to interested organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.¹⁸⁵

West Virginia

Forms. The Secretary of State is required to demand contact information and a description of the dates and locations in which the proposed registration drive is to be conducted from drives requesting two hundred or more forms. The Secretary of State may limit the distribution of forms to a “reasonable” amount per group.¹⁸⁶

¹⁸¹ MISS. CODE ANN. § 23-15-47(4)(c).

¹⁸² Telephone Interview with representative from the Okla. Sec. of State (May 8, 2008).

¹⁸³ *Id.*

¹⁸⁴ UTAH CODE ANN. § 20A-2-301(4).

¹⁸⁵ *Id.* § 20A-2-301(5)(a).

¹⁸⁶ W. VA. CODE § 3-2-10(b).