In response to a request by the Honorable District Judge Costa for information on whether states other than Texas have restrictions on voter registration activity similar to those being challenged in the present case, Plaintiffs provide the below information based on Project Vote’s experience and review of the laws and regulations:
Background: Project Vote’s National Voter Registration Activity

Project Vote is currently providing funds or technical support for voter registration activities conducted by other organizations in Florida, Michigan, Montana, Ohio, New Mexico, and North Carolina.

During the 2012 election cycle, Project Vote has been providing and will be providing training on best practices for organizations that are conducting, or plan to conduct, activity in many other states and, in preparation, reviewed the laws in Arizona, California, Colorado, District of Columbia, Idaho, Illinois, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nevada, New Jersey, New York, Oregon, Pennsylvania, Virginia, Washington, and Wisconsin.

In 2008 Project Vote worked with one partner in Arizona, California, Colorado, Connecticut, Florida, Louisiana, Michigan, Minnesota, Missouri, Nevada, New Mexico, North Carolina, Indiana, Ohio, Oregon, Pennsylvania, Texas and Wisconsin.

Comparison of State Voter Registration Laws

While Project Vote is not currently challenging at this stage the requirement in Texas that those who collect voter registration applications (referred to as “canvassers”), must be appointed as deputy registrars—thereby triggering the challenged provisions—there is no other state that has such a requirement except Wisconsin. Wisconsin is exempt from the National Voter Registration Act requirements because of its Election Day Registration program. Other states, such as Nevada and Arizona, have government-appointed deputy or volunteer registrars, but none require that a person wishing to collect an application become one. The
information provided below only relates to restrictions on “non-deputized”
canvassers.

*Does any State other than Texas:*

1. **Require canvassers to receive training before conducting voter registration activity?**

   Colorado and Ohio have training requirements in their statutes. Ohio’s requirement was enjoined in *Project Vote v Blackwell.* Colorado authorizes organizations’ staff to train canvassers, and in addition, its Voter Registration Drive FAQ states that the training is available online. New Mexico has a training requirement in its administrative code, but the code requires training to be available to all third party voter registration agents who cannot attend in person, including through the internet.

   Project Vote is not aware of any other state that requires canvassers to receive training before conducting voter registration activity.

2. **Require canvassers to be a resident of the state?**

   Missouri requires “solicitors”—those paid workers that collect voter registration applications—to be residents of the state.

   Project Vote is not aware of any other state that requires a canvasser to be a state resident.

3. **Require canvassers to personally deliver applications to the election official?**

   Project Vote is not aware of any other state that requires canvassers to personally deliver applications to the election official. Ohio has a statute that requires personal delivery but interpreted it to include by mail. This “Direct Return” requirement was enjoined in *Project Vote v Blackwell.*

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2. Colorado Secretary of State, Voter Registration Drive FAQs, [http://www.sos.state.co.us/pubs/elections/FAQs/VoterRegDrive.html#When%20and%20where%20is%20training%20held?](http://www.sos.state.co.us/pubs/elections/FAQs/VoterRegDrive.html#When%20and%20where%20is%20training%20held?) (last visited June 7, 2012).
3. N.M. Admin. Code. § 1.10.25.8(G)
4. Prohibit making a photocopy of a filled-out application before it is submitted to the clerk?

A few states prohibit copying specific information from an application, such as the social security, state identification number, or drivers license number, but no states prohibit copying all other parts of the application. In these instances, documents may be redacted before photocopying using methods such as Post-It notes that do not damage the application.

Georgia prohibits copying the application unless the organization receives permission to do so.

5. Restrict which county a canvasser can collect in?

Project Vote is not aware of any state that restricts the county in which a canvasser can collect applications, or that restricts whether canvassers can collect applications from applicants who reside outside the county.

6. Prohibit presenting another person with a quota of voter registrations to facilitate as a condition of employment or from engaging in a practice that causes another person's compensation from or employment status with the person to be dependent on the number of voter registrations that the other person facilitates?

A number of states have statutes that prohibit payment per application but no state has a statute that prohibits “presenting another person with a quota of voter registrations to facilitate as a condition of...employment or engaging in a practice “that causes another person’s compensation from or employment status with the person to be dependent on the number of voter registrations that the other person facilitates.”

Nevada filed 13 felony charges against an organization for the Crime of Compensation for Voter Registration Workers for having a bonus program and allegedly terminating canvassers if they did not reach a 20 application “quota.” The charges were based on Nevada’s interpretation of a statute that makes it a felony to “provide compensation for registering voters that is based upon the total number of voters a person registers.” The organization went bankrupt and subsequently pled guilty.

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6 Nev. Rev. Stat. § 293.805
Have authority to bar an individual from collecting completed voter registration applications because the individual did not properly review the applications she collected?

Project Vote is not aware of any other state that gives any government official the authority to bar an individual from collecting voter registration applications because the individual did not properly review the applications she collected.

8. **Require a canvasser to produce an identification document, if asked by the applicant, when collecting applications?**

Project Vote is not aware of any other state that requires canvassers to produce an identification document, if asked by the applicant, when collecting applications.

DATED this 11th day of June, 2012.

Respectfully Submitted,

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