

## GUIDE TO LEGAL ISSUES RELATED TO GOTV/MOBILIZATION

### SAME DAY REGISTRATION:

- Determine if your state has same day registration or one-stop voting.
- **Minnesota, New Hampshire, and Wisconsin are among the states with same day voter registration**, allowing individuals to register and vote on Election Day. **North Carolina has a process of one-stop voting** that allows individuals to register and vote simultaneously at early vote locations for a period of approximately 20 days after the close of registration but before Election Day (the specific dates and times vary by location in North Carolina – call or check the county’s election website).
- In all **one stop voting** and **same day registration** states there are very specific ID requirements for this process and these requirements often are different from the identification that is required of individuals who are already registered. It is important to determine the specific identification requirements for this kind of registration.<sup>1</sup>

### RESOURCES

To learn the applicable laws and information for your specific state that this Guide recommends you acquire before engaging in GOTV, including polling place locations and ID requirements among other information, you should consult:

- Website of the state election authority - the state election commission is usually the Secretary of State or the State Board of Elections or the State Election Commission. All such entities have a website with most of the specific information needed to conduct GOTV in your state.
  - Also review the websites of the local county or city election authority - usually the county clerk or the county board of elections.
- [www.govote.org](http://www.govote.org) - with information about when to vote, where to vote, and what to bring by state.
- Election Protection Coalition - [www.866OurVote.org](http://www.866OurVote.org)
- Make sure any information obtained from internet sources (including state election websites) is up to date.
- For more information contact the Fair Elections Legal Network: web [www.fairelectionsnetwork.com](http://www.fairelectionsnetwork.com), phone - 202-331-0114; email - [lfecteau@fairelectionsnetwork.com](mailto:lfecteau@fairelectionsnetwork.com)

### VOTER VERIFICATION:

- **Determine if the law in your state permits voters to correct errors or provide missing information on their original voter registration application after the registration deadline.** If so, you should inform individuals who have not made it onto the rolls because of problems with their original voter registration application about their options.
  - For example, in *Colorado*, as long as an individual’s registration application was submitted before the deadline, voters can correct errors or provide missing information up until Election Day, including problems with the ID number provided by a voter (either their CO driver’s license number or social security number). This is important because in *Colorado* voters whose identification numbers are not confirmed/matched before Election Day will not be allowed to vote a regular ballot. Local election officials in *Pennsylvania* also typically allow voters to fix problems, particularly problems involving ID numbers, after the registration deadline.

<sup>1</sup> FELN has guides for One-Stop Voting in North Carolina and for Same Day Registration in Minnesota and Wisconsin that are available on our resource page at [www.fairelectionsnetwork.com](http://www.fairelectionsnetwork.com)

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- Ideally your organization has already been engaged in some effort to verify that those individuals for whom you submitted voter registration applications are making it onto the registration rolls and receiving their voter registration cards or other notices. This effort should continue past registration deadline. Verifications efforts typically include:
  - Calling a sample of the individuals your organization registered to determine if they have received their voter card or a letter indicating any problem with their registration
  - Looking up individuals that your organization has registered to vote on the portal that is available to the general public on most state election websites (Secretary of State or State Board of Election) for the purpose of confirming that these individuals are in fact registered
  - Confirming through databases such as Catalist and VAN that all the individuals your organizations has registered are actually on the voter registration rolls for your state
  - Calling election officials to confirm whether individuals your organization registered are on the voter registration rolls – this can also be done with a sample
- **If your verification efforts raise suspicions that there may be a systematic problem, for example large numbers of individuals are not making into the rolls in a certain jurisdiction, you should immediately obtain legal assistance.** In many instances certain systematic problems may be corrected even where the registration deadline has passed.

## EARLY VOTING AND ABSENTEE VOTING:

If your organization is interested in encouraging early voting, voting by mail or absentee voting, your will need to learn the following information before developing the plan for early voting outreach.

### Early Voting Questions:

1. Is there early or in-person absentee voting?
2. What are the dates and hours and locations for early voting? How are voters informed?
3. What identification requirements are there for people who want to vote early? Are these requirements any different for first-time voters?
4. Will people who vote early cast their ballots utilizing the same equipment as voters use on Election Day? If not, what equipment will people who vote early use?
5. Can civic organizations obtain lists of individuals who have already early voted? If so, how is this information obtained?

### Absentee voting (mail-in ballots) questions:

1. Is there voting with mail-in ballots or “no-excuse” absentee voting?
2. If not, who will be eligible to vote absentee? For example, voters who are permanently disabled or out of the county on Election Day?
3. How does an individual obtain an absentee (mail-in) ballot?
4. Are civic groups, political parties and/or individuals allowed to obtain and distribute absentee (mail-ballot) applications? If so:
  - How many absentee ballot applications will an individual and/or organization be permitted to obtain and distribute?
  - Is there a limit on the total number that will be provided at any one time?
5. How far in advance of an election are absentee (mail-in) ballots available for distribution to the general public?
6. **Must all absentee voters submit a copy of identification? Are there different ID requirements for first-time voters seeking to vote by absentee (mail-in) ballot?**
7. In addition to the voter’s eligibility, what factors must exist for an absentee (mail-in) vote to be valid, for example, must it be signed, dated, post-marked?
8. **Under what circumstances will a voter who has applied for and is sent an absentee (mail-in) ballot be allowed to vote at the polls? (Many states will allow such a voter to cast a regular ballot at the polls if they return the unused absentee (mail-in) ballot).**
9. Can civic organizations obtain lists of individuals who have requested absentee (mail-in) ballots, and who have submitted completed absentee (mail-in) ballots? And, if so how is this information obtained?

<sup>2</sup> FELN has detailed information about the identification requirements in Colorado, Florida, Georgia, Indiana, Michigan, Missouri, New Mexico, North Carolina, Ohio, Pennsylvania, Virginia and Wisconsin available on our resources page at [www.fairelectionsnetwork.com](http://www.fairelectionsnetwork.com).

## ID REQUIREMENTS:

Before conducting any effort to turn out voters, your organization should determine the voter identification requirements for all voters so that your organization can correctly inform voters in the weeks leading-up to Election Day.<sup>2</sup>

### ID Requirement Questions:

1. What forms of identification will voters be required to present in order to vote?
2. What information must be displayed on the ID? Does the identification need to have an address, and if so, does this address need match the address listed for the voter in the poll book or need to show that the voter currently lives in the precinct?
3. Are the ID requirements for first-time voters different than the ID requirements for other voters (sometimes the law regarding what ID must be presented by a first-time voter is stricter than the standard ID law applying to all voters)? If so, what are they, and do they apply to any first-time voter, or just first-time voters registering by mail?
4. In many places where “photo ID” is an acceptable form of identification, not all state laws define photo ID; therefore, it may be unclear if a student ID complies. Your organization must determine:
  - Are there specific laws or regulations establishing whether a student ID is an acceptable ID
  - If there are no specific state laws or regulations addressing student IDs, what is the practice regarding accepting student IDs statewide; within each county or local jurisdictions?
  - Are student IDs from both public and private schools accepted?
5. Who will be responsible for overseeing compliance with ID requirements at the polling place?
6. If a voter is told by a poll worker that they have not provided proper ID, what procedures will be in place to challenge that determination?
7. Voters who lack proper ID should be provided provisional ballots. Determine what these voters must do, if anything, to get their provisional ballots counted – for example, will they have an opportunity after the election to provide identification?

## POLLING PLACE LOCATIONS:

It is important to ensure that voters know where to go to vote – one of the main reasons that registered voters ended-up voting provisional is that they show-up at the wrong polling place. In most states a ballot cast in the wrong precinct will not count.

- **Your organization should remind voters that they must vote at the correct polling place and that the location of their polling place is found on their voter registration card.**
- Your organization should determine what public means (interactive SoS or BoE website, telephone – states usually have 1-800 number to call and obtain this information, newspaper publication) are available to voters to find his or her polling place.<sup>3</sup> This information should then be publicized during your GOTV activities.
- If you have access to Catalist or the VAN database systems, you will have access to polling places locations for all your GOTV targets. If you have this information, you should consider how you want to convey that information to voters.
  - If your organization is planning any literature drops (including door hangers) or door-to-door canvassing, you should consider how to include polling place information. Ideally, your organization would undertake these activities by precinct, so that correct information can easily be provided to voters in a particular precinct. You can provide polling place information even if your literature has already been printed by placing stickers with the polling places information on the literature.
- If you are doing GOTV in a concentrated area, such as a college campus, with or without a database, you should be able to determine the specific polling place locations serving that area by contacting local election officials.
  - **If all on-campus residents have the same polling place assignment this information should be included in all your literature.**
  - If the college campus or community has several different polling places an effective tool for informing voters is to **create a street map that shows the precinct boundaries and polling place locations.** Voters can easily find their address on the map and then determine their polling place location from the boundaries on the map.
  - Precinct maps are often found on local or state election official websites and if the information is not found on a public website, local election officials should make these types of maps available upon request.

<sup>3</sup>Polling locations change, sometimes very close to Election Day. You should determine the last day polling locations may be changed.

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## **FOREIGN LANGUAGE ASSISTANCE & DISABILITY ACCESS:**

Your organization might also want to obtain information about the availability of foreign language assistance and disability access at both early vote locations and Election Day polling places.

## **ELECTION DAY LEGAL SUPPORT:**

Contact the Election Protection Coalition - 1-866-Our-Vote - for information about legal support that will be available on Election Day if problems arise.

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*FELN is a national, nonpartisan network of election lawyers who work to remove legal barriers to voter participation for traditionally under participating constituencies -- poor, minority, elderly, student and disabled voters. If requested, FELN and our network of local attorneys can provide specific guidance about the registration laws and regulations for a particular state.*

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**If you would like more information, please contact FELN:**

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