

South Dakota



SDCL § 12-4-5

C

South Dakota Codified Laws Currentness
Title 12. Elections
Chapter 12-4. Registration of Voters (Refs & Annos)

→ 12-4-5. Entry of applicants in registration file--Deadline--Rules--Lists for secondary elections

The county auditor shall enter in the master registration file the names of all eligible persons who have had their completed applications for registration and mail registration cards received by any county auditor or any local, state, or federal agency responsible for conducting voter registration under this chapter not later than 5:00 p.m. fifteen days preceding the election. However, any completed mail registration card mailed to the appropriate county auditor and postmarked not less than thirty days preceding an election shall be added to the registration file. Voter registrations completed at any local, state, or federal agency during any given week commencing on Tuesday through the following Monday shall be sent to the appropriate county auditors no later than the following Wednesday. The State Board of Elections may promulgate rules, pursuant to chapter 1-26, for the alternative transmission of voter registration information by computer from the agency to the secretary of state. The name of any voter who has registered to vote by 5:00 p.m. fifteen days preceding the secondary election shall be added to the file used for the secondary election.

Source: SL 1961, ch 92, §§ 4, 13; SDCL §§ 12-4-4, 12-4-5.1; SL 1969, ch 83, § 4; SL 1970, ch 86, § 11; SL 1974, ch 118, § 7; SL 1978, ch 94, § 1; SL 1981, ch 120, § 1; SL 1985, ch 106, § 2; SL 1985, ch 107, § 1; SL 1985, ch 110, § 1C; SL 1994, ch 107, § 6; SL 1996, ch 95, § 4; SL 2002, ch 40, § 5.

COMMISSION NOTE

Session Laws 1994, ch 107, §§ 36 and 37 provided that the amendment to this section by SL 1994, ch 107, § 1 is effective January 1, 1995, contingent upon the "availability of general, other, or federal appropriations." The Code Commission has implemented the amendment to this section based upon advice from the Office of the Secretary of State that sufficient funding is available.

LIBRARY REFERENCES

Elections ↪108.
Westlaw Key Number Search: 144k108.
C.J.S. Elections § 47.

NOTES OF DECISIONS

Registration requirements 1

1. Registration requirements

Statute allowing a qualified prospective voter to register up until 20 days prior to election is reasonable and not unconstitutional. SDCL 12-4-5. Fisher v. Herseth, 1974, 374 F.Supp. 745. Elections ↪ 19

SDCL § 12-4-5, SD ST § 12-4-5

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SDCL § 12-4-5

Current through the 2007 Regular Session and Supreme Court Rule 07-07

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SDCL § 12-4-5.3

C

South Dakota Codified Laws Currentness

Title 12. Elections

Chapter 12-4. Registration of Voters (Refs & Annos)

→ 12-4-5.3. Review of voter registration application by auditor--Notice

When a voter registration application is received by the county auditor, the application shall be reviewed for eligibility and completeness. If the applicant is not eligible to be registered or sufficient information to complete the card cannot be obtained from the applicant, the applicant shall be sent an acknowledgment notice indicating why the registration was not filed. Any applicant whose registration is accepted shall be sent an acknowledgment notice. The acknowledgment notice shall be prescribed by the State Board of Elections and sent by nonforwardable mail. The same confirmation mailing required by § 12-4-19 shall be sent immediately to any person whose registration acknowledgment notice is returned undeliverable.

Source: SL 1994, ch 107, § 7; SL 1996, ch 95, § 5.

COMMISSION NOTE

Session Laws 1994, ch 107, §§ 36 and 37 provided that the amendment to this section by SL 1994, ch 107, § 1 is effective January 1, 1995, contingent upon the "availability of general, other, or federal appropriations." The Code Commission has implemented the amendment to this section based upon advice from the Office of the Secretary of State that sufficient funding is available.

LIBRARY REFERENCES

Elections ↩ 106.

Westlaw Key Number Search: 144k106.

C.J.S. Elections § 46.

NOTES OF DECISIONS

Convicted felon 1

1. Convicted felon

When a convicted felon has his or her sentence discharged, the person may then go to any voter registration location and register to vote. Op. Atty. Gen. No. 05-01.

S D C L § 12-4-5.3, SD ST § 12-4-5.3

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SDCL § 12-4-5.3

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SDCL § 12-4-6.1

South Dakota Codified Laws Currentness
Title 12. Elections
Chapter 12-4. Registration of Voters (Refs & Annos)

→ 12-4-6.1. Effective date of voter registration

A voter registration shall be considered to be effective on the date which the card is received by the county auditor. However, if the card was completed at one of the agencies listed in § 12-4-2, is received by the auditor within five days following any registration deadline and is dated by the deadline, the card shall be considered to be effective on the date which it was signed at the agency. If a card does not contain all of the information required by the form prescribed pursuant to § 12-4-6 or if the card contains information which is not correct, it shall be considered to be effective on the date all of the correct, required information is supplied to the county auditor.

Source: SL 1997, ch 78, § 1; SL 2005, ch 89, § 3.

HISTORICAL AND STATUTORY NOTES

SL 2005, ch 89, § 3, in the third sentence, inserted "or if the card contains information which is not correct" following "§ 12-4-6" and "correct," preceding "required information".

LIBRARY REFERENCES

Elections ↪113.
Westlaw Key Number Search: 144k113.

S D C L § 12-4-6.1, SD ST § 12-4-6.1

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Tennessee



TN ST § 2-2-109

T. C. A. § 2-2-109



West's Tennessee Code Annotated Currentness

Title 2. Elections

Chapter 2. Voter Registration

Part 1. Registration by Election Commissions

→ § 2-2-109. Registration periods

(a) A qualified voter may register or have the voter's registration altered at the commission office at any time the office is open, except that applications for registration shall not be processed for twenty-nine (29) days before an election; provided, that a qualified voter may file a mail registration form by postmarking the registration form or submitting the registration form thirty (30) days before an election. A mail registration form lacking a postmark, but signed and dated at least thirty (30) days before an election, shall be timely filed if it is received by the county election commission no later than the twenty-seventh day prior to the election. A qualified voter may correct a deficient but timely filed mail registration form if the voter comes to the commission office no later than five (5) days before the election and presents the rejection of registration notice to the administrator of elections. The administrator shall register the person to vote if the person is otherwise eligible to register. The administrator shall be empowered to update an existing registration until no later than five (5) days before an election to place it within the correct precinct in the county when a voter changes the voter's address through the process described in § 2-7-140.

(b) When the thirtieth (30) day before an election falls on a Sunday, applications for registration shall be accepted and processed through the twenty-ninth (29) day before the election. This shall extend the deadline for applications for registration completed at the county election commission office as well as the deadline for having a by-mail registration form postmarked.

(c) When elections are being held in two (2) or more voting districts within any county, the time period for such registration or alteration of permanent registration records shall be calculated for each election separately, and such registration or alteration of permanent registration records is not prohibited in one (1) election because it is twenty-nine (29) days prior to another within the same county.

CREDIT(S)

1972 Pub.Acts, c. 740, § 1; 1980 Pub.Acts, c. 678, § 1; 1980 Pub.Acts, c. 728, § 1; 1994 Pub.Acts, c. 919, § 4, eff. April 15, 1994; 1995 Pub.Acts, c. 76, § 3, eff. April 5, 1995; 1997 Pub.Acts, c. 550, § 3, eff. June 23, 1997; 2000 Pub.Acts, c. 756, § 1, eff. May 18, 2000; 2001 Pub.Acts, c. 413, § 9, eff. July 1, 2001; 2002 Pub.Acts, c. 698, § 3, eff. May 1, 2002; 2007 Pub.Acts, c. 125, § 1, eff. July 1, 2007.

PRIOR COMPILATIONS

Formerly § 2-209.

CROSS REFERENCES

Armed forces personnel, persons temporarily outside United States, absentee ballots, temporary registration, see § 2-6-502.

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TN ST § 2-2-109

T. C. A. § 2-2-109

LAW REVIEW AND JOURNAL COMMENTARIES

Tennessee Annexation Law: History, Analysis, and Proposed Amendments. Frederic S. Le Clercq, 55 Tenn. L. Rev. 577 (1988).

LIBRARY REFERENCES

Key Numbers

Elections ↪ 105, 106.
Westlaw Key Number Searches: 144k105; 144k106.

Corpus Juris Secundum

C.J.S. Elections §§ 39, 46.

NOTES OF DECISIONS

Annexation of territory 1
Construction and application 1/2
Fraud 4

Substantial violations of law 2
Technical violations of law 3

1/2. Construction and application

Where the thirtieth day before an election falls on a Saturday, Sunday or legal holiday, the deadline for registering to vote is the day immediately preceding that Saturday, Sunday or legal holiday. Op.Atty.Gen. No. 06-171, Nov. 22, 2006.

1. Annexation of territory

When areas outside city were annexed to city, registration of voters was transferred. T.C.A. §§ 2-2-106 to 2-2-109, 2-2-129. Taylor v. Armentrout, 1981, 632 S.W.2d 107. Elections ↪ 119

Although initial duty of transferring voter to new precinct when area is annexed is borne by Election Commission, voter is not forever relieved of any further obligations in determining proper precinct in which to vote. T.C.A. §§ 2-2-106, 2-2-109, 2-3-101 et seq., 2-3-102, 2-3-105, 2-3-106. Taylor v. Armentrout, 1981, 632 S.W.2d 107. Elections ↪ 119

2. Substantial violations of law

In election for office of mayor which was won by majority of five votes, there were more than five clearly illegal ballots cast because of improper and unauthorized late registration of voters who had not previously registered to vote in municipal elections, and, as such violations were of major and important statutory provisions governing registration of voters, voiding of election and ordering new election was required. T.C.A. §§ 2-3-105, 2-14-101 to 2-14-106. Lanier v. Revell, 1980, 605 S.W.2d 821. Elections ↪ 116

3. Technical violations of law

Uncertainty regarding registration for mayoral election which resulted in a number of voters being permitted to

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TN ST § 2-2-109

T. C. A. § 2-2-109

vote in wrong precinct and other technical violations of general election laws were minor in nature and were not such as would render ballot of voters illegal or result in voiding election. T.C.A. § 2-3-105. Lanier v. Revell, 1980, 605 S.W.2d 821. Elections ↪ 116

4. Fraud

While county election commission's chairman's serving as campaign manager for successful candidate for mayor, created an appearance of impropriety, there was no direct violation of election laws and relationship between chairman and successful candidate was not such as to void election on ground of fraud. T.C.A. §§ 2-14-101 to 2-14-106. Lanier v. Revell, 1980, 605 S.W.2d 821. Elections ↪ 232

T. C. A. § 2-2-109, TN ST § 2-2-109

Current through 2007 First Reg. Sess.

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TN ADC 1360-2-11-.07

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Tenn. Comp. R. & Regs. 1360-2-11-.07

TENNESSEE RULES AND REGULATIONS
1360. THE TENNESSEE DEPARTMENT OF STATE
1360-2. ELECTIONS
CHAPTER 1360-2-11. VOTER REGISTRATION BY MAIL
Current through November 30, 2007

1360-2-11-.07. VERIFICATION OF INQUIRIES.

- (1) An appropriate verification inquiry shall be conducted in the following instances:
 - (a) where the information given on the VRF is incomplete;
 - (b) where the information given on the VRF appears unclear or inconsistent;
 - (c) where the information appears to be an exact duplicate of a registration already on file;
 - (d) where the VRF appears to be a duplicate of an already registered voter but indicates a change of name and address;
 - (e) whenever the County Election Commission is unable to determine the district, precinct or ward in which the applicant resides;
 - (f) where it is uncertain for any other reason what action should be taken on the application.
- (2) Verification inquiries shall be conducted so as to permit timely and appropriate action on the application and avoid needless rejections, provided that the County Election Commissions shall not be responsible for any failure to complete such an inquiry within any specific time period or in time for the applicant to vote in, or effect a change prior to, the election or elections next following the submission of the VRF in question.
- (3) Whenever a VRF is subject to inquiry under sub-section (a) through (f) above, the County Election Commission shall forthwith contact by telephone or issue a letter to the applicant, advising him of (1) the nature of the problem with the VRF already submitted; (2) steps needed to be taken to remedy the problem; (3) where appropriate, any time limit wherein action must be taken. Under no circumstances shall the VRF be returned to the applicant. The voter will be required to complete another VRF and mail it to the County Election Commission.

Authority: T.C.A. Section 2-1111. *Administrative History:* Rule filed August 26, 1975, effective September 24, 1975.

<General Materials (GM) - References, Annotations, or Tables>

Tenn. Comp. R. & Regs. 1360-2-11-.07, TN ADC 1360-2-11-.07

TN ADC 1360-2-11-.07
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Texas

Westlaw

V.T.C.A., Election Code § 13.073

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Effective: September 1, 2003

Vernon's Texas Statutes and Codes Annotated Currentness
Election Code (Refs & Annos)
Title 2. Voter Qualifications and Registration
 Chapter 13. Application for Registration; Initial Registration
 Subchapter C. Action on Application by Registrar
 → § 13.073. Notice of Rejection

(a) Except as provided by Subsection (b), the registrar shall deliver written notice of the reason for the rejection of an application to the applicant not later than the second day after the date of rejection.

(b) If the registrar rejects an application in the applicant's presence, at that time the registrar shall orally inform the applicant of the reason for the rejection. If the rejection is for incompleteness, the registrar shall return the application to the applicant for completion and resubmission.

(c) If the registrar rejects an application for incompleteness but receives a completed application not later than the 10th day after the date the notice is delivered under Subsection (a) or the date the incomplete application is returned under Subsection (b), as applicable, the original date of submission of the incomplete application is considered to be the date of submission to the registrar for the purpose of determining the effective date of registration.

CREDIT(S)

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 2003, 78th Leg., ch. 1316, § 6, eff. Sept. 1, 2003.

HISTORICAL AND STATUTORY NOTES

2007 Electronic Pocket Part Update

2003 Legislation

For applicability provisions of Acts 2003, 78th Leg., ch. 1316, see notes following V.T.C.A., Election Code § 1.006.

LIBRARY REFERENCES

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V.T.C.A., Election Code § 13.073

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2003 Main Volume

Elections ↪ 106.
Westlaw Topic No. 144.
C.J.S. Elections § 46.

RESEARCH REFERENCES

2007 Electronic Pocket Part Update

Forms

Texas Jurisprudence Pleading & Practice Forms 2d Ed § 103:22, Registration.

V. T. C. A., Election Code § 13.073, TX ELECTION § 13.073

Current through the end of the 2007 Regular Session of the 80th Legislature

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V.T.C.A., Election Code § 13.143

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Effective:[See Text Amendments]

Vernon's Texas Statutes and Codes Annotated Currentness

Election Code (Refs & Annos)

Title 2. Voter Qualifications and Registration

Chapter 13. Application for Registration; Initial Registration

Subchapter F. Initial Registration

→ § 13.143. Effective Date of Registration; Period of Effectiveness

(a) Except as provided by Subsections (b) and (e), if an applicant's registration application is approved, the registration becomes effective on the 30th day after the date the application is submitted to the registrar or on the date the applicant becomes 18 years of age, whichever is later.

(b) A registration is effective for purposes of early voting if it will be effective on election day.

(c) A registration is effective until canceled under this code.

(d) For purposes of determining the effective date of a registration, an application submitted by mail is considered to be submitted to the registrar on the date it is placed with postage prepaid and properly addressed in the United States mail. The date indicated by the post office cancellation mark is considered to be the date the application was placed in the mail unless proven otherwise.

(e) If the 30th day before the date of an election is a Saturday, Sunday, or legal state or national holiday, an application is considered to be timely if it is submitted to the registrar on or before the next regular business day.

CREDIT(S)

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 416, § 1, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 203, § 2.31; Acts 1991, 72nd Leg., ch. 554, § 2, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 916, § 6, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 454, § 4, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1349, § 5, eff. Sept. 1, 1997.

HISTORICAL AND STATUTORY NOTES

2003 Main Volume

Section 3.01 of Acts 1991, 72nd Leg., ch. 203 provides:

“(a) Except as otherwise provided by this section and by Section 1.12 of Article 1 of this Act, this Act takes effect

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V.T.C.A., Election Code § 13.143

Page 2

September 1, 1991.

“(b) This Act does not take effect until it is approved or precleared under the federal Voting Rights Act (42 U.S.C. Secs. 1971, 1973, et seq.). An objection to any provision of this Act interposed under the federal Voting Rights Act does not affect the validity of the remainder of this Act.

“(c) Subsection (b), Section 84.011, Election Code, as added by Article 1 of this Act, applies only to official application forms for an absentee ballot to be voted by mail furnished by the secretary of state on or after September 1, 1993. An official application form for an absentee ballot to be voted by mail that was furnished by the secretary of state before that date remains valid.”

Acts 1991, 72nd Leg., ch. 203 was approved or precleared under the federal Voting Rights Act (42 U.S.C. Secs. 1971, 1973, et seq.)

Section 2.80 of Acts 1991, 72nd Leg., ch. 203 provides:

“This article is intended only to change the terminology involving ‘absentee voting’ to appropriate terminology using ‘early voting.’ The reenactment of text in this article to effect this change in terminology does not prevail over a conflicting change in law made by another Act of the 72nd Legislature, Regular Session, 1991, and that conflicting change is given effect with the change in terminology made by this article.”

Prior Laws:

- Acts 1951, 52nd Leg., p. 1097, ch. 492, § 45a.
- Acts 1966, 59th Leg., 1st C.S., p. 1, ch. 1, § 2.
- Acts 1969, 61st Leg., p. 2662, ch. 878, § 14.
- Acts 1969, 61st Leg., 2nd C.S., p. 161, ch. 48, § 1.
- Acts 1971, 62nd Leg., p. 2510, ch. 827, § 4.
- Acts 1975, 64th Leg., p. 751, ch. 296, § 3.
- Acts 1983, 68th Leg., p. 959, ch. 226, § 1.
- V.A.T.S. Election Code, art. 5.13a, subd. 4.

LIBRARY REFERENCES

2003 Main Volume

- Elections ↪ 113.
- Westlaw Topic No. 144.

RESEARCH REFERENCES

2007 Electronic Pocket Part Update

Encyclopedias

TX Jur. 3d Elections § 118, Certificate; Effectivity.

NOTES OF DECISIONS

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V.T.C.A., Election Code § 13.143

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In general 1

1. In general

Voter whose registration was not effective was not qualified to vote in city council election. Slusher v. Streater (App. 1 Dist. 1995) 896 S.W.2d 239, rehearing overruled. Elections ↩ 71.1

V. T. C. A., Election Code § 13.143, TX ELECTION § 13.143

Current through the end of the 2007 Regular Session of the 80th Legislature

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Utah



UT ST § 20A-2-201

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U.C.A. 1953 § 20A-2-201

West's Utah Code Annotated Currentness

Title 20A. Election Code

Chapter 2. Voter Registration

Part 2. Alternate Means of Registering to Vote

⇒ § 20A-2-201. Registering to vote at office of county clerk

(1) Except as provided in Subsection (3), the county clerk shall register to vote all persons who present themselves for registration at the county clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county.

(2) If a registration form is submitted in person at the office of the county clerk during the period beginning on the date after the voter registration deadline and ending on the date that is 15 calendar days before the date of the election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that:

(i) they will be registered to vote in the pending election; and

(ii) for the pending election, they must vote on the day of the election and will not be eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they registered too late.

(3) Except as provided in Subsection (3), if a registration form is submitted to the county clerk on the date of the election or during the 14 calendar days before an election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that they will be registered to vote but may not vote in the pending election because they registered too late.

Laws 1993, c. 1, § 55; Laws 1994, c. 21, § 7; Laws 1994, c. 311, § 2; Laws 1997, c. 183, § 3, eff. May 5, 1997; Laws 1998, c. 106, § 1, eff. May 4, 1998; Laws 1999, c. 45, § 3, eff. March 15, 1999; Laws 2006, c. 264, § 8, eff. May 1, 2006; Laws 2007, c. 285, § 5, eff. April 30, 2007.

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UT ST § 20A-2-201

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U.C.A. 1953 § 20A-2-201

LIBRARY REFERENCES

Elections ¶106.

Westlaw Key Number Search: 144k106.

C.J.S. Elections § 46.

U.C.A. 1953 § 20A-2-201, UT ST § 20A-2-201

Current through 2007 First Special Session including results from the November 2007 General Election.

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UT ST § 20A-2-202

U.C.A. 1953 § 20A-2-202

West's Utah Code Annotated Currentness

Title 20A. Election Code

▣ Chapter 2. Voter Registration

▣ Part 2. Alternate Means of Registering to Vote

→§ 20A-2-202. Registration by mail

(1)(a) A citizen who will be qualified to vote at the next election may register by mail.

(b) To register by mail, a citizen shall complete and sign the by-mail registration form and mail or deliver it to the county clerk of the county in which the citizen resides.

(c)(i) In order to register to vote in a particular election, the citizen shall:

(A) address the by-mail voter registration form to the county clerk; and

(B) ensure that it is postmarked on or before the voter registration deadline.

(ii) If the voter is registering for the first time in the county, the citizen shall either:

(A) submit a copy of the voter's valid voter identification with the by-mail voter registration form; or

(B) submit valid voter identification to the poll worker at the time the citizen votes.

(d) The citizen has effectively registered to vote under this section only when the county clerk's office has received a correctly completed by-mail voter registration form.

(2) Upon receipt of a correctly completed by-mail voter registration form, the county clerk shall:

(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) mail confirmation of registration to the newly registered voter after entering the applicant's voting precinct number on that copy.

(3)(a) If the county clerk receives a correctly completed by-mail voter registration form that is postmarked after the voter registration deadline, the county clerk shall:

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UT ST § 20A-2-202

U.C.A. 1953 § 20A-2-202

(i) register the applicant after the next election; and

(ii) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.

(b) When the county clerk receives a correctly completed by-mail voter registration form at least seven days before an election that is postmarked on or before the date of the voter registration deadline, the county clerk shall:

(i) process the by-mail voter registration form; and

(ii) record the new voter in the official register.

(4) If the county clerk determines that a registration form received by mail or otherwise is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error or because the form is incomplete.

Laws 1993, c. 1, § 56; Laws 1995, c. 152, § 4, eff. May 1, 1995; Laws 1995, c. 340, § 4, eff. May 1, 1995; Laws 1996, 2nd Sp.Sess., c. 3, § 5, eff. April 30, 1996; Laws 2003, c. 117, § 3, eff. May 5, 2003; Laws 2006, c. 264, § 9, eff. May 1, 2006; Laws 2006, c. 326, § 2, eff. May 1, 2006.

HISTORICAL AND STATUTORY NOTES

Composite section by the Office of Legislative Research and General Counsel of Laws 2006, c. 264, § 9 and Laws 2006, c. 326, § 2.

LIBRARY REFERENCES

Elections ↪106.
Westlaw Key Number Search: 144k106.
C.J.S. Elections § 46.

U.C.A. 1953 § 20A-2-202, UT ST § 20A-2-202

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UT ST § 20A-2-204

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U.C.A. 1953 § 20A-2-204

West's Utah Code Annotated Currentness

Title 20A. Election Code

▣ Chapter 2. Voter Registration

▣ Part 2. Alternate Means of Registering to Vote

→§ 20A-2-204. Registering to vote when applying for or renewing a driver license

(1) As used in this section, "voter registration form" means the driver license application/voter registration form and the driver license renewal/voter registration form required by Section 20A-2-108.

(2) Any citizen who is qualified to vote may register to vote by completing the voter registration form.

(3) The Driver License Division shall:

(a) assist applicants in completing the voter registration form unless the applicant refuses assistance;

(b) accept completed forms for transmittal to the appropriate election official;

(c) transmit a copy of each voter registration form to the appropriate election official within five days after it is received by the division;

(d) transmit each address change within five days after it is received by the division; and

(e) transmit electronically to the lieutenant governor's office the name, address, birth date, and driver license number of each person who answers "yes" to the question on the driver license form about registering to vote.

(4) Upon receipt of a correctly completed voter registration form, the county clerk shall:

(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) notify the applicant of registration.

(5)(a) If the county clerk receives a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall:

(i) register the applicant after the next election; and

(ii) if possible, promptly phone or mail a notice to the applicant before the

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UT ST § 20A-2-204

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election, informing the applicant that his registration will not be effective until after the election.

(b) When the county clerk receives a correctly completed voter registration form at least seven days before an election that is dated on or before the voter registration deadline, the county clerk shall:

(i) process the voter registration form; and

(ii) record the new voter in the official register.

(6) If the county clerk determines that a voter registration form received from the Driver License Division is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error or because the form is incomplete.

Laws 1994, c. 311, § 3; Laws 1996, 2nd Sp.Sess., c. 3, § 7, eff. April 30, 1996; Laws 1997, c. 10, § 27, eff. May 5, 1997; Laws 1997, c. 24, § 2, eff. Feb. 26, 1997; Laws 1997, c. 183, § 5, eff. May 5, 1997; Laws 2006, c. 264, § 11, eff. May 1, 2006; Laws 2006, c. 326, § 3, eff. May 1, 2006.

HISTORICAL AND STATUTORY NOTES

Composite section by the Office of Legislative Research and General Counsel of Laws 2006, c. 264, § 11 and Laws 2006, c. 326, § 3.

LIBRARY REFERENCES

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Westlaw Key Number Search: 144k106.
C.J.S. Elections § 46.

U.C.A. 1953 § 20A-2-204, UT ST § 20A-2-204

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UT ST § 20A-2-205

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U.C.A. 1953 § 20A-2-205

West's Utah Code Annotated Currentness

Title 20A. Election Code

Chapter 2. Voter Registration

Part 2. Alternate Means of Registering to Vote

→§ 20A-2-205. Registration at voter registration agencies

(1) As used in this section:

(a) "Discretionary voter registration agency" means each office designated by the county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide by-mail voter registration forms to the public.

(b) "Public assistance agency" means each office in Utah that provides:

(i) public assistance; or

(ii) state funded programs primarily engaged in providing services to people with disabilities.

(2) Any person may obtain and complete a by-mail registration form at a public assistance agency or discretionary voter registration agency.

(3) Each public assistance agency and discretionary voter registration agency shall provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

"REGISTERING TO VOTE

If you are not registered to vote where you live now, would you like to apply to register to vote here today? (Applying to register to vote or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.)

Yes _____ No _____

IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.

If you would like help in filling out the voter registration application form, we will help you. The decision about whether or not to seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether or not to register, or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant

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UT ST § 20A-2-205

Page 2

U.C.A. 1953 § 20A-2-205

Governor, State Capitol Building, Salt Lake City, Utah 84114. (801) 538-1040."

(4) Unless a person applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register to vote, each public assistance agency and discretionary voter registration agency shall:

- (a) distribute a by-mail voter registration form with each application for service or assistance provided by the agency or office;
- (b) assist applicants in completing the voter registration form unless the applicant refuses assistance;
- (c) accept completed forms for transmittal to the appropriate election official; and
- (d) transmit a copy of each voter registration form to the appropriate election official within five days after it is received by the division.

(5) A person in a public assistance agency or a discretionary voter registration agency that helps a person complete the voter registration form may not:

- (a) seek to influence an applicant's political preference or party registration;
- (b) display any political preference or party allegiance;
- (c) make any statement to an applicant or take any action that has the purpose or effect of discouraging the applicant from registering to vote; or
- (d) make any statement to an applicant or take any action that has the purpose or effect of leading the applicant to believe that a decision to register or not to register has any bearing upon the availability of services or benefits.

(6) Upon receipt of a correctly completed voter registration form, the county clerk shall:

- (a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and
- (b) notify the applicant of registration.

(7) (a) If the county clerk receives a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall:

- (i) register the applicant after the next election; and
- (ii) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.

(b) When the county clerk receives a correctly completed voter registration form

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UT ST § 20A-2-205

U.C.A. 1953 § 20A-2-205

at least seven days before an election that is dated on or before the voter registration deadline, the county clerk shall:

- (i) process the voter registration form; and
- (ii) record the new voter in the official register.

(8) If the county clerk determines that a voter registration form received from a public assistance agency or discretionary voter registration agency is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error or because the form is incomplete.

Laws 1994, c. 311, § 4; Laws 1995, c. 152, § 5, eff. May 1, 1995; Laws 1996, 2nd Sp.Sess., c. 3, § 8, eff. April 30, 1996; Laws 2006, c. 264, § 12, eff. May 1, 2006; Laws 2006, c. 326, § 4, eff. May 1, 2006.

HISTORICAL AND STATUTORY NOTES

Composite section by the Office of Legislative Research and General Counsel of Laws 2006, c. 264, § 12 and Laws 2006, c. 326, § 4.

LIBRARY REFERENCES

Elections ↪106.
Westlaw Key Number Search: 144k106.
C.J.S. Elections § 46.

U.C.A. 1953 § 20A-2-205, UT ST § 20A-2-205

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UT ST § 20A-2-304

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U.C.A. 1953 § 20A-2-304

West's Utah Code Annotated Currentness

Title 20A. Election Code

Chapter 2. Voter Registration

Part 3. County Clerk's Voter Registration Responsibilities

→§ 20A-2-304. County clerk's responsibilities--Notice of disposition

Each county clerk shall:

(1) register to vote each applicant for registration who meets the requirements for registration and who:

(a) submits a completed voter registration form to the county clerk on or before the voter registration deadline;

(b) submits a completed voter registration form to the Driver License Division, a public assistance agency, or a discretionary voter registration agency on or before the voter registration deadline; or

(c) mails a completed by-mail voter registration form to the county clerk on or before the voter registration deadline; and

(2) send a notice to the voter informing the voter that:

(a) the voter's application for voter registration has been accepted and that the voter is registered to vote;

(b) the voter's application for voter registration has been rejected and the reason for the rejection; or

(c) the application for voter registration is being returned to the voter for further action because the application is incomplete and giving instructions to the voter about how to properly complete the application.

Laws 1994, c. 311, § 8; Laws 2006, c. 264, § 14, eff. May 1, 2006.

LIBRARY REFERENCES

Elections ↪106.

Westlaw Key Number Search: 144k106.

C.J.S. Elections § 46.

U.C.A. 1953 § 20A-2-304, UT ST § 20A-2-304

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Vermont

Westlaw

VT ST T. 17 § 2144

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17 V.S.A. § 2144

C

West's Vermont Statutes Annotated Currentness
Title Seventeen. Elections

▣ Chapter 43. Qualification and Registration of Voters
▣ Subchapter 2. Registration of Voters

→ § 2144. **Deadline for applications**

(a) The town clerk shall not accept applications for persons' names to be placed on the checklist after 5:00 p.m. on the Wednesday preceding the day of the election. The town clerk's office shall be kept open on the Wednesday preceding the day of the election from no later than 3:00 p.m. until 5:00 p.m., for the purpose of receiving applications for addition to the checklist. For purposes of this subsection, a mail application or an application submitted to the department of motor vehicles in connection with a motor vehicle driver's license or an application accepted by a voter registration agency shall be considered to have met the filing deadline established by this subsection if the application is postmarked, submitted or accepted by 5:00 p.m. of the Wednesday preceding the day of the election.

(b) If a person is not eligible to register prior to the voter registration deadline, but expects to be eligible on or before election day, he or she may file with the town clerk a written notice of intention to apply for addition of his or her name to the checklist. The notice shall be filed prior to the voter registration deadline, and the town clerk shall then accept the person's application at any time before the close of the polls on election day, and act upon the application forthwith.

(c) If a person is not eligible to register prior to the voter registration deadline, and has submitted a written notice of intent to apply in accord with subsection (b) of this section, the clerk shall, upon application, allow the applicant to vote absentee. If the application is approved and the name added to the checklist prior to the close of the polls on election day, the early or absentee ballots cast by that voter shall be treated as other valid early or absentee ballots.

(d) In the case of annual meetings and towns that start their annual meetings on any day preceding the first Tuesday in March as authorized in section 2640(b) of this title, the "day of election" shall be the first Tuesday in March.

1977, Adj. Sess., No. 269, § 1; 1979, Adj. Sess., No. 200, § 13; 1981, Adj. Sess., No. 239, § 9; 1985, Adj. Sess., No. 198, § 7; 1991, Adj. Sess., No. 118, § 2; 1995, No. 4, § 1; 1997, No. 47, § 2; 2001, No. 6, § 12(a); 2003, No. 59, § 2; 2007, No. 72, § 1, eff. July 1, 2007.

CROSS REFERENCES

Absentee voting, see 17 V.S.A. § 2531 et seq.

LIBRARY REFERENCES

Elections ↪ 105, 106.
Westlaw Key Number Searches: 144k105; 144k106.
C.J.S. Elections § 46.

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VT ST T. 17 § 2144

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17 V.S.A. § 2144

17 V.S.A. § 2144, VT ST T. 17 § 2144

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General Assembly

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Virginia

Westlaw

Va. Code Ann. § 24.2-414

C

West's Annotated Code of Virginia Currentness

Title 24.2. Elections (Refs & Annos)

▣ Chapter 4. Voter Registration (Refs & Annos)

▣ Article 3. Locations and Times for Registration (Refs & Annos)

→ § 24.2-414. Final registration day

Each general registrar shall, twenty-nine days before the day fixed by law for every primary election and every general election that will be held in his jurisdiction, hold a final day of registration for the election. On the final day of registration, the principal office of the general registrar shall be open a minimum of eight hours. The registrar shall make a list by name of any persons in line at the time of closing and shall permit those persons to complete an application to register or to make any necessary changes to their registration records.

Acts 1993, c. 545; Acts 1993, c. 619; Acts 1993, c. 641, eff. Dec. 1, 1993; Acts 2001, c. 613; Acts 2001, c. 632.

LIBRARY REFERENCES

Key Numbers

Elections ↻ 105.

Westlaw Key Number Search: 144k105.

NOTES OF DECISIONS

Military personnel I

1. Military personnel

A general registrar may not deny the application for voter registration of a servicemember or cancel the voter registration of a registered voter who is a member of the armed forces of the United States solely because the servicemember files a certificate of legal residence listing his residence in another state pursuant to 50 U.S.C. app. § 571. Furthermore, a general registrar may request documentation to confirm the restoration of voting rights to a person previously convicted of a felony. Op.Atty.Gen., Opinion No. 06- 048 (Oct. 3, 2006), 2006 WL 4286447.

Va. Code Ann. § 24.2-414, VA ST § 24.2-414

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Va. Code Ann. § 24.2-416

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Title 24.2. Elections (Refs & Annos)

▣ Chapter 4. Voter Registration (Refs & Annos)

▣ Article 3. Locations and Times for Registration (Refs & Annos)

→ § 24.2-416. Closing registration records before elections

In any county, city, or town in which an election is being held, the registration records shall be closed for the purpose of registering voters on the election day and during the period in advance of the election as provided in this section. The registration records shall be closed during the twenty-eight days before a primary or general election. If the registration records have not been closed previously for a primary or general election, they shall be closed during the six days before a special election called by the Governor, Speaker of the House of Delegates, or President pro tempore of the Senate, or pursuant to rule or resolution of either house of the General Assembly and during the thirteen days before any other special election.

Acts 1993, c. 641, eff. Dec. 1, 1993.

CROSS REFERENCES

Absentee application for registration, see § 24.2-419.

Registrar, duties and powers, see § 24.2-114.

Transition of towns to cities, registrars and their duties, see § 15.2-3831.

Voter registration cancellation, see § 24.2-427.

Voter whose name does not appear on pollbook, handling of provisional ballots, ballots cast after normal close due to court order, see § 24.2-653.

LIBRARY REFERENCES

Key Numbers

Elections ↻105.

Westlaw Key Number Search: 144k105.

Va. Code Ann. § 24.2-416, VA ST § 24.2-416

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Va. Code Ann. § 24.2-416.4

West's Annotated Code of Virginia Currentness
Title 24.2. Elections (Refs & Annos)
 ☐ Chapter 4. Voter Registration (Refs & Annos)
 ☐ Article 3.1. Mail Registration (Refs & Annos)

→ § 24.2-416.4. Return of mail voter registration applications

A. Notwithstanding the provisions of § 24.2-416, a mail voter registration application returned through the United States Postal Service shall be deemed to have been made as of the date of the postmark affixed to such application by the United States Postal Service. If no such postmark is affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, such application shall be deemed to have been timely if received through the United States mail no later than five days following the time for the closing of the registration books pursuant to § 24.2-416.

B. In any other case, a completed mail voter registration application shall be deemed timely if received by any general registrar or any person authorized to receive voter registration applications pursuant to § 24.2-415.1, by the deadline provided for in § 24.2-416 for closing the registration books.

Acts 1996, c. 72, eff. March 6, 1996; Acts 1996, c. 73, eff. March 6, 1996.

CROSS REFERENCES

Destruction of, or failure to mail or deliver, voter registration application, see § 24.2-1002.01.

LIBRARY REFERENCES

Key Numbers

Elections ↔ 106.
Westlaw Key Number Search: 144k106.

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C.J.S. Elections § 46.

Va. Code Ann. § 24.2-416.4, VA ST § 24.2-416.4

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Va. Code Ann. § 24.2-422

C

West's Annotated Code of Virginia Currentness

Title 24.2. Elections (Refs & Annos)

▣ Chapter 4. Voter Registration (Refs & Annos)

▣ Article 4. Registration of Voters

→ § 24.2-422. Appeal of person denied registration

A. A person denied registration shall have the right to appeal, without payment of writ tax or giving security for costs, to the circuit court of the county or city in which he offers to register by filing with the clerk of the court, within ten days after the denial, a petition in writing to have his right to register determined.

The petitioner may file his petition by completing and filing a form which shall be prescribed by the State Board and which shall be used by the general registrar to notify an applicant of the denial of his application to register and of the reasons for the denial. The form shall (i) state that an applicant denied registration has the right to appeal to the circuit court of the county or city in which he offers to register, (ii) give the name and address of the clerk of the circuit court for such county or city (to be supplied by the general registrar), (iii) state that a filing fee of ten dollars must be paid when filing the petition, (iv) contain a statement by which the applicant may indicate his desire to petition the court to have his right to register determined, and (v) provide space for the applicant to state the facts in support of his right to register.

On the filing of a petition to have the right to register determined, the clerk of the court shall immediately bring the matter to the attention of the chief judge of the court for the scheduling of a hearing on the petition. The matter shall be heard and determined on the face of the petition, the answer made in writing by the general registrar, and any evidence introduced as part of the proceedings. The proceedings shall take precedence over all other business of the court and shall be heard as soon as possible.

On the filing of the petition, the clerk of the court shall immediately give notice to the attorney for the Commonwealth for his county or city, who shall appear and defend against the petition on behalf of the Commonwealth.

Judgment in favor of the petitioner shall entitle him to registration. From a judgment rendered against the petitioner, an appeal shall lie to the Supreme Court of Virginia.

B. The general registrar shall send a new application for registration to the applicant with the form prescribed in subsection A. The general registrar shall advise the applicant that he may complete and return the new application, in lieu of filing an appeal, if the reason stated for denial is that the applicant has failed to sign the application or failed to provide a required item of information on the application. Any applicant who returns a second application and whose second application is denied shall have the right to appeal provided in subsection A.

C. The provisions of § 24.2-416, pertaining to the closing of registration records in advance of an election, shall apply to any application submitted pursuant to subsection B following a denial of registration.

Acts 1993, c. 641, eff. Dec. 1, 1993; Acts 1997, c. 114; Acts 2001, c. 627.

CROSS REFERENCES

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Va. Code Ann. § 24.2-422

Denial of registration, appeals, see Const. Art. 2, § 4.

Registrar, duties and powers, see § 24.2-114.

LIBRARY REFERENCES

Key Numbers

Elections ↻ 106.

Westlaw Key Number Search: 144k106.

ALR Library

Construction and effect of absentee voters laws, 97 A.L.R.2d 257.

Elections: effect of conviction under federal law, or law of another state or country, on right to vote or hold public office, 39 A.L.R. 3d 303.

Validity, construction, and application of 42 U.S.C.S. § 1973(c) making it federal offense with respect to federal elections to give false information in registering or voting or to pay or accept payment for registering or voting, 23 A.L.R.Fed. 463.

Validity of absentee voters' laws, 97 A.L.R. 2d 218.

Voting rights of persons mentally incapacitated, 80 A.L.R. 3d 1116.

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C.J.S. Elections § 46.

Trial Strategies

22 Am. Jur. Trials 1, Prisoners' Rights Litigation.

26 Am. Jur. Trials 97, Representing the Mentally Ill: Civil Commitment Proceedings.

NOTES OF DECISIONS

Injunctions 2

Mandamus 3

Registration, generally 1

1. Registration, generally

One who was denied an opportunity and right to make written application for registration as a voter had no right to appeal to circuit court, where applicant had been denied any right to make written application, so that there was no application or record on which circuit court could act. Code 1942, §§ 93, 103. Fleenor v. Dorton, 1948, 47 S.E.2d 329, 187 Va. 659. Elections ↻ 112

Constitution has prescribed as a qualification for an elector no test of knowledge or understanding or educational requirement other than that of Const. 1902, § 20, as amended in 1928, that the applicant shall be able to make in his own handwriting, without aid, suggestion, or memorandum, the required application and answer in writing questions affecting his qualifications as an elector which may be submitted to him by the registrar. Davis v. Allen, 1931, 160 S.E. 85, 157 Va. 84, 76 A.L.R. 1234. Elections ↻ 106

Whether a person offering to register is a qualified voter or not is to be determined in the first instance by the registrar, from whose decision an appeal is given to any person denied registration. Code sec. 83a, and whose list may be purged of those improperly allowed to register upon the application of five qualified voters proceeding in

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Va. Code Ann. § 24.2-422

the manner pointed out by sec. 86 of the Code. In view of the nature of the duties devolved upon the registrar and of the remedies afforded by sections 86 and 83a of the Code, mandamus will not lie against a registrar to compel him to purge his list of names alleged to have been improperly registered by him. *Spitler v. Guy*, 1907, 58 S.E. 769, 107 Va. 811. Elections ⚡ 103; Mandamus ⚡ 74(2)

2. Injunctions

Where temporary closing of voter registration books resulted from misconstruction of statutes by certain registrars, and it did not appear that registrars purposefully or illegally intended to deprive anyone of opportunity to vote in primary election, and where state provided remedy for anyone improperly denied registration, there was no denial of equal protection of the laws, and no abuse of discretion, in district judge's refusal to grant mandatory injunction requiring registrars to reopen books and keep them open within period within which under statute they would ordinarily be closed. Code Va.1950, § 24-112. *Rawlings v. Hardaway*, 1970, 427 F.2d 1167. Injunction ⚡ 135

3. Mandamus

Mandamus would not lie to compel registrar to register one seeking to be registered as a voter, and the most that could have been effected would have been to require registrar to provide a proper place so that applicant for registration might have the place, opportunity and means fixed by statute to prepare and present his application. Code 1942, § 93. *Fleenor v. Dorton*, 1948, 47 S.E.2d 329, 187 Va. 659. Mandamus ⚡ 74(2)

Code section dealing with right of appeal to circuit court by any person denied registration as a voter being so limited in scope with reference to what may be appealed from as to fall short of affording any remedy to one who has been denied the right even to apply for registration, applicant is entitled to mandamus to compel registrar to accept application for registration. Code 1942, § 103. *Fleenor v. Dorton*, 1948, 47 S.E.2d 329, 187 Va. 659. Mandamus ⚡ 74(2)

Where applicant who was denied right to apply for registration as a voter relied on code section dealing with appeal to circuit court in hope and desire of obtaining registration, rather than on the narrower remedy of mandamus, and his petition did not contain necessary allegations for writ of mandamus, circuit court did not err in failing, on its own motion, to treat the petition as a petition for mandamus and in failing to suggest an amendment to the petition so that it would state a cause of action for mandamus. Code 1942, § 103. *Fleenor v. Dorton*, 1948, 47 S.E.2d 329, 187 Va. 659. Mandamus ⚡ 1


In proceeding to review refusal by registrar to enroll and register applicant as a voter in county, petition was insufficient to entitle applicant to a writ of mandamus where it failed to allege where applicant presented himself for registration at time when registrar refused to accept the application. Code 1942, §§ 93, 103. *Fleenor v. Dorton*, 1948, 47 S.E.2d 329, 187 Va. 659. Mandamus ⚡ 154(5)

Only performance of a ministerial duty can be compelled by mandamus and not the exercise of the discretion of the party against whom the writ issued. *Fleenor v. Dorton*, 1948, 47 S.E.2d 329, 187 Va. 659. Mandamus ⚡ 72

Code Va.1904, § 86, provides that any five qualified voters of an election district, 15 days previous to the regular days of registration, may post a notice of the names of persons alleged to be improperly registered; that on the day of registration the registrar shall hear testimony as to the right of persons named in the notice on the registration books, and that, if he be satisfied that any person is not a qualified voter, he may strike his name from the books; and that from such decision any person may appeal, as provided in section 83a. Section 83a provides that any person denied registration shall have the right to appeal to the circuit court, and that a judgment in favor of him shall entitle him to registration, and that from a judgment against him a writ of error shall lie to the Supreme Court of Appeals. Held to provide an adequate remedy to strike the names of persons illegally registered from

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Va. Code Ann. § 24.2-422

registration books; and hence mandamus would not lie for that purpose. *Spitler v. Guy*, 1907, 58 S.E. 769, 107 Va. 811. Mandamus  4(5)

Va. Code Ann. § 24.2-422, VA ST § 24.2-422

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Washington



West's RCWA 29A.08.107



West's Revised Code of Washington Annotated Currentness
Title 29A. Elections (Refs & Annos)
Chapter 29A.08. Voters and Registration (Refs & Annos)
General Provisions

→29A.08.107. Review by secretary of state

(1) The secretary of state must review the information provided by each voter registration applicant to ensure that the provided driver's license number, state identification card number, or last four digits of the Social Security number match the information maintained by the Washington department of licensing or the Social Security administration. If a match cannot be made, the secretary of state or county auditor must correspond with the applicant to resolve the discrepancy.

(2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application within forty-five days, the applicant will not be registered to vote. The secretary of state shall forward the application to the appropriate county auditor for document storage.

(3) Only after the secretary of state has confirmed that the provided driver's license number, state identification card number, or last four digits of the applicant's Social Security number match existing records with the Washington department of licensing or the Social Security administration, or determined that the applicant does not have a driver's license number, state identification card number, or Social Security number may the applicant be placed on the official list of registered voters.

(4) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list, the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing.

CREDIT(S)

[2005 c 246 § 4, eff. Jan. 1, 2006; 2004 c 267 § 106, eff. Jan. 1, 2006.]

HISTORICAL AND STATUTORY NOTES

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.651.

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2005 Main Volume

Elections ↪103.

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West's RCWA 29A.08.107

Westlaw Topic No. 144.
C.J.S. Elections § 41.

NOTES OF DECISIONS

In general 1 **Irreparable harm 2** **Public interest 3**

1. In general

Washington "matching" statute, which required the state to match, prior to registration, a potential voter's name to either the Social Security Administration (SSA) database or to the Department of Licensing (DOL) was likely to stand as an obstacle to achieving the purposes and objectives of materiality section of Voting Rights Act, absent a demonstration as to how an error or omission that prevented state from matching an applicant's information was material in determining whether that person was qualified to vote under requirements of Washington law. *Washington Ass'n of Churches v. Reed*, W.D.Wash.2006, 492 F.Supp.2d 1264. Elections ↻ 106; States ↻ 18.71

Washington "matching" statute, which required the state to match, prior to registration, a potential voter's name to either the Social Security Administration (SSA) database or to the Department of Licensing (DOL) was likely to stand as an obstacle to achieving the purposes and objectives of Help America Vote Act (HAVA), and was thus preempted by federal law; HAVA was intended as an administration safeguard and not as a restriction on voter eligibility, matching requirement conflicted with HAVA provision which required verification of identify before casting or counting a vote, but not as a prerequisite to registration, and "matching" statute conflicted with HAVA's fail-safe provision ballot provision, allowing a registrant who failed to provide identification the ability to use a provisional ballot. *Washington Ass'n of Churches v. Reed*, W.D.Wash.2006, 492 F.Supp.2d 1264. Elections ↻ 106; States ↻ 18.71

2. Irreparable harm

Washington "matching" statute, which required the state to match, prior to registration, a potential voter's name to either the Social Security Administration (SSA) database or to the Department of Licensing (DOL) posed irreparable harm, for purposes of plaintiffs' request for a preliminary injunction against the Washington Secretary of State's enforcement of the statute, where 178 applicants had been cancelled, deleted, or otherwise rejected, individuals had been rejected simply because the identification number could not be matched, others had been rejected because of problems using married versus maiden names, and many counties were hesitant to comply with the strict matching requirements, leading to absurd results around the state. *Washington Ass'n of Churches v. Reed*, W.D.Wash.2006, 492 F.Supp.2d 1264. Injunction ↻ 138.51

3. Public interest

State's public interest in preventing voter fraud did not weigh against a preliminary injunction against "matching" statute, which required the state to match, prior to registration, a potential voter's name to either the Social Security Administration (SSA) database or to the Department of Licensing (DOL), where public interest instead weighed strongly in favor of letting every eligible resident of state the ability to register and cast vote. *Washington Ass'n of Churches v. Reed*, W.D.Wash.2006, 492 F.Supp.2d 1264. Injunction ↻ 138.51

West's RCWA 29A.08.107, WA ST 29A.08.107

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West's RCWA 29A.08.107

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West's RCWA 29A.08.110



West's Revised Code of Washington Annotated Currentness

Title 29A. Elections (Refs & Annos)

▣ Chapter 29A.08. Voters and Registration (Refs & Annos)

▣ General Provisions

→29A.08.110. Auditor's procedure

(1) An application is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, signature attesting to the truth of the information provided, a mark in the check-off box confirming United States citizenship, and an indication that the provided driver's license number, state identification card number, or Social Security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant within forty-five days or is returned as undeliverable, the name of the applicant shall not be placed on the official list of registered voters. If the applicant provides the required verified information, the applicant shall be registered to vote as of the original date of mailing or date of delivery, whichever is applicable.

(2) If the information required in subsection (1) of this section is complete, the applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(3) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

CREDIT(S)

[2005 c 246 § 5, eff. Jan. 1, 2006; 2004 c 267 § 107, eff. Jan. 1, 2006; 2003 c 111 § 206, eff. July 1, 2004. Prior: 1994 c 57 § 32; 1993 c 434 § 6. Formerly RCW 29.08.060.]

HISTORICAL AND STATUTORY NOTES

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.651.

Severability--Effective date--1994 c 57: See notes following RCW 10.64.021.

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West's RCWA 29A.08.110

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2005 Main Volume

Elections ↻106.
Westlaw Topic No. 144.
C.J.S. Elections § 46.

NOTES OF DECISIONS

In general 1

1. In general

Right of deputy registrar to register electors by going door to door, without specific consent of city clerk.
Op. Atty. Gen. 57-58 No. 207.

West's RCWA 29A.08.110, WA ST 29A.08.110

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West's RCWA 29A.08.030

West's Revised Code of Washington Annotated Currentness

Title 29A. Elections (Refs & Annos)

▣ Chapter 29A.08. Voters and Registration (Refs & Annos)

▣ Definitions

→ 29A.08.030. Notices, various

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

CREDIT(S)

[2005 c 246 § 3, eff. Jan. 1, 2006; 2004 c 267 § 104, eff. March 31, 2004; 2003 c 111 § 203, eff. July 1, 2004. Prior: 1994 c 57 § 33. Formerly RCW 29.10.011.]

HISTORICAL AND STATUTORY NOTES

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.651.

Severability--Effective date--1994 c 57: See notes following RCW 10.64.021.

West's RCWA 29A.08.030, WA ST 29A.08.030

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West's RCWA 29A.08.140



West's Revised Code of Washington Annotated Currentness

Title 29A. Elections (Refs & Annos)

▣ Chapter 29A.08. Voters and Registration (Refs & Annos)

▣ General Provisions

→ **29A.08.140. Closing files--Notice**

The registration files of all precincts shall be closed against transfers for thirty days immediately preceding every primary, special election, and general election to be held in such precincts.

The county auditor shall give notice of the closing of the precinct files for transfer and notice of the special registration and voting procedure provided by RCW 29A.08.145 by one publication in a newspaper of general circulation in the county at least five days before the closing of the precinct files.

No person may vote at any primary, special election, or general election in a precinct polling place unless he or she has registered to vote at least thirty days before that primary or election and appears on the official statewide voter registration list. If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days before any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under RCW 29A.08.145.

CREDIT(S)

[2006 c 97 § 1, eff. June 7, 2006; 2004 c 267 § 112, eff. Jan. 1, 2006; 2003 c 111 § 212, eff. July 1, 2004. Prior: 1993 c 383 § 2; 1980 c 3 § 4; 1974 ex.s. c 127 § 4; 1971 ex.s. c 202 § 20; 1965 c 9 § 29.07.160; prior: 1947 c 68 § 2; 1933 c 1 § 9; Rem. Supp. 1947 § 5114-9. Formerly RCW 29.07.160.]

HISTORICAL AND STATUTORY NOTES

Effective dates--2004 c 267: See note following RCW 29A.08.651.

Source:

Laws 1933, ch. 1, § 9.

Laws 1947, ch. 68, § 2.

RRS § 5114-9.

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Elections ↻105, 106.

Westlaw Topic No. 144.

C.J.S. Elections § 46.

NOTES OF DECISIONS

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West's RCWA 29A.08.140

In general 1

1. In general

Computation of thirtieth day preceding city election upon which registration books are required to be closed; effect of fifteenth day for transfer of registration falling upon Saturday when city offices are closed. Op.Atty.Gen. No. 51-53-191.

West's RCWA 29A.08.140, WA ST 29A.08.140

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West's RCWA 29A.08.145

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West's Revised Code of Washington Annotated Currentness

Title 29A. Elections (Refs & Annos)

▣ Chapter 29A.08. Voters and Registration (Refs & Annos)

▣ General Provisions

→29A.08.145. Late registration--Special procedure

This section establishes a special procedure which an elector not registered in the state may use to register to vote during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the state may register to vote in person in the office of the county auditor of the county in which the applicant resides, or at a voter registration location specifically designated for this purpose by the county auditor or secretary of state, and apply for an absentee ballot for that primary or election. The auditor or registration assistant shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

CREDIT(S)

[2006 c 97 § 2, eff. June 7, 2006; 2005 c 246 § 10, eff. Jan. 1, 2006; 2004 c 267 § 113, eff. Jan. 1, 2006; 2003 c 111 § 213, eff. July 1, 2004; 1993 c 383 § 1. Formerly RCW 29.07.152.]

HISTORICAL AND STATUTORY NOTES

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.651.

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2005 Main Volume

Elections ↔ 105, 106.

Westlaw Topic No. 144.

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West's RCWA 29A.08.145, WA ST 29A.08.145

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West Virginia



WV ST § 3-2-6

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W. Va. Code, § 3-2-6



West's Annotated Code of West Virginia Currentness

Chapter 3. Elections

Article 2. Registration of Voters

→ § 3-2-6. Time of registration application before an election

(a) Voter registration before an election shall close on the twenty-first day before the election, or on the first day thereafter which is not a Saturday, Sunday or legal holiday.

(b) An application for voter registration, transfer of registration, change of name or change of political party affiliation submitted by an eligible voter by the close of voter registration shall be effective for any subsequent primary, general or special election if the following conditions are met:

(1) The application contains the information required by subsection (c), section five of this article: *Provided*, That incomplete applications for registration containing information which are submitted within the required time may be corrected within four business days after the close of registration if the applicant provides the required information; and

(2) The application is received by the appropriate clerk of the county commission no later than the hour of the close of registration or is otherwise submitted by the following deadlines:

(A) If mailed, the application shall be addressed to the appropriate clerk of the county commission and is postmarked by the postal service no later than the date of the close of registration: *Provided*, That if the postmark is missing or illegible, the application shall be presumed to have been mailed no later than the close of registration if it is received by the appropriate clerk of the county commission no later than the third day following the close of registration;

(B) If accepted by a designated agency or motor vehicle licensing office, the application is received by that agency or office no later than the close of registration;

(C) If accepted through a registration outreach program, the application is received by the clerk, deputy clerk or registrar no later than the close of registration; and

(3) The verification notice by the provisions of section sixteen of this article mailed to the voter at the residence indicated on the application is not returned as undeliverable.

Acts 1994, c. 58; Acts 2001, c. 117, eff. Sept. 1, 2001; Acts 2005, c. 102, eff. 90 days after April 9, 2005; Acts 2007, c. 100, eff. June 4, 2007.

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Elections ↪ 106.
Westlaw Key Number Search: 144k106.
C.J.S. Elections §§ 39, 46.

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WV ST § 3-2-6

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W. Va. Code, § 3-2-6

NOTES OF DECISIONS

In general 1

1. In general

Provision of the permanent registration law that registration of voters shall be carried on through the year except during the 30 days preceding any election, does not preclude a qualified voter from registering within 30 days before an election, but merely prevents a voter who seeks to register, from voting at an election to be held within 30 days from date of registration. Laws 1941, c. 43, art. 2, § 26, as amended by Laws 1943, c. 50. State ex rel. Lawhead v. Kanawha County Court, 1946, 38 S.E.2d 897, 129 W.Va. 167. Elections ⇄ 105

W. Va. Code, § 3-2-6, WV ST § 3-2-6

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WV ST § 3-2-17

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W. Va. Code, § 3-2-17

C

West's Annotated Code of West Virginia Currentness

Chapter 3. Elections

Article 2. Registration of Voters

→ § 3-2-17. Denial of registration application; notice; appeal to clerk of the county commission, decision; appeal to county commission, hearing, decision; appeal to circuit court

(a) If the clerk of the county commission finds that any of the following is true, based on the application or official documentation of ineligibility, the clerk shall deny the application for voter registration:

(1) The applicant, at the time the application is received, is not eligible to register in the county and state pursuant to the provisions of section two of this article;

(2) The applicant has submitted an application which is incomplete, pursuant to the provisions of subsection (c), section five of this article; or

(3) The verification notice as required in section sixteen of this article is returned as undeliverable at the address given by the voter.

(b) When the clerk of the county commission determines that the application must be denied, the clerk shall send, by first class forwardable return requested mail, a notice that the application for registration was denied and the reasons therefor.

(1) If the reason for denial is an incomplete application, the clerk shall inform the voter of the right to reapply and shall enclose a mail voter registration form for the purpose.

(2) If the reason for denial is return of the verification notice as undeliverable at the address given, the clerk shall inform the voter of the right to present proof of residence in order to validate the registration.

(3) If the reason for denial is ineligibility, the notice shall include a statement of eligibility requirements for voter registration and of the applicant's right to appeal the denial.

(c) An applicant whose application for registration is denied by the clerk of the county commission because of ineligibility or for failure to submit proof of residence may make a written request for a reconsideration by the clerk, and may present information relating to his or her eligibility. The clerk shall review the request for consideration and shall issue a decision in writing within fourteen days of the receipt of the request.

(d) If the application is denied upon reconsideration pursuant to the provisions of subsection (c) of this section, the applicant may make a written request for a hearing before the county commission. The county commission shall schedule and conduct the hearing within thirty days of receipt of the request and shall issue a decision, in writing, within fifteen days of the hearing.

(e) An applicant may appeal the decision of the county commission to the circuit court. The circuit court shall only consider the record before the county commission, as authenticated by the clerk of the county commission. The circuit court may affirm the order of the county commission, whether the order be affirmative or negative; but if it

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WV ST § 3-2-17

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W. Va. Code, § 3-2-17

deems such order not to be reasonably justified by the evidence considered, it may reverse such orders of the county commission in whole or in part as it deems just and right; and if it deems the evidence considered by the county commission in reaching its decision insufficient, it may remand the proceedings to the county commission for further hearing. Any such order or orders of the circuit court shall be certified to the county commission.

(f) Any party to such appeal may, within thirty days after the date of a final order by the circuit court, apply for an appeal to the supreme court of appeals which may grant or refuse such appeal at its discretion. The supreme court of appeals shall have jurisdiction to hear and determine the appeal upon the record before the circuit court and to enter such order as it may find that the circuit court should have entered.

(g) It shall be the duty of the circuit court and the supreme court of appeals, in order to expedite registration and election procedures, to hold such sessions as may be necessary to determine any cases involving the registration of voters. Judges of the circuit court and the supreme court of appeals in vacation shall have the same power as that prescribed in this section for their respective courts.

Acts 1994, c. 58.

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Elections ↪106.
Westlaw Key Number Search: 144k106.
C.J.S. Elections §§ 39, 46.

W. Va. Code, § 3-2-17, WV ST § 3-2-17

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Wisconsin



W.S.A. 6.28



West's Wisconsin Statutes Annotated Currentness

Elections (Ch. 5 to 12)

Chapter 6. The Electors (Refs & Annos)

Subchapter II. Registration

→ 6.28. Where and when to register

(1) **Registration locations; deadline.** Except as authorized in ss. 6.29, 6.55(2), and 6.86(3)(a)2., registration in person for any election shall close at 5 p.m. on the 3rd Wednesday preceding the election. Registrations made by mail under s. 6.30(4) must be delivered to the office of the municipal clerk or postmarked no later than the 3rd Wednesday preceding the election. All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, at the office of the county clerk, or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may also be made during the school year at any high school by qualified persons under sub. (2)(a). Other registration locations may include but are not limited to fire houses, police stations, public libraries, institutions of higher education, supermarkets, community centers, plants and factories, banks, savings and loan associations and savings banks. Special registration deputies shall be appointed for each location unless the location can be sufficiently staffed by the board of election commissioners or the municipal clerk or his or her deputies. An elector who wishes to obtain a confidential listing under s. 6.47(2) shall register at the office of the municipal clerk of the municipality where the elector resides.

(2) **At high schools.** (a) Public high schools shall be used for registration for enrolled students and members of the high school staff.

(b) The municipal clerk of each municipality shall notify the school board of each school district in which the municipality is located that high schools shall be used for registration pursuant to par. (a). The school board and the municipal clerk shall agree upon the appointment of at least one qualified elector at each high school as a special school registration deputy. The municipal clerk shall appoint such person as a school registration deputy and explain the person's duties and responsibilities. Students and staff may register at the high school on any day that classes are regularly held. The school registration deputies shall promptly forward properly completed registration forms to the municipal clerk of the municipality in which the registering student or staff member resides. The municipal clerk, upon receiving such registration forms, shall add all those registering electors who have met the registration requirements to the registration list. The municipal clerk may reject any registration form and shall promptly notify the person whose registration is rejected of the rejection and the reason therefor. A person whose registration is rejected may reapply for registration if he or she is qualified. The form of each high school student who is qualified and will be eligible to vote at the next election shall be filed in such a way that when a student attains the age of 18 years the student is registered to vote automatically. Each school board shall assure that the principal of every high school communicates elector registration information to students.

(c) The principal of any private high school having a substantial number of students residing in a municipality may request the municipal clerk to establish registration dates when a special registration deputy will be present in the high school, or to appoint a special school registration deputy in accordance with par. (b). The clerk shall establish registration dates or appoint a special school registration deputy in the high school if the clerk determines the school to have a substantial number of students residing in the municipality.

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W.S.A. 6.28

(4) At the office of the county clerk. Any person shall be given an opportunity to register to vote at the office of the county clerk for the county in which the person's residence is located. An applicant may complete the required registration form under s. 6.33. Unless the county clerk performs registration functions for the municipality where the elector resides under s. 6.33(5)(b), the county clerk shall forward the form submitted by an elector to the appropriate municipal clerk, or to the board of election commissioners in cities over 500,000 population within 5 days of receipt. The clerk shall forward the form immediately whenever registration closes within 5 days of receipt.

<<For credits, see Historical Note field.>>

HISTORICAL AND STATUTORY NOTES

2007 Electronic Update

Source:

2003 Act 265, §§ 41, 42, eff. April 30, 2004.
2005 Act 451, §§ 30 to 32, eff. July 1, 2006.

2003 Legislation:

2003 Act 265, § 150 provides in part that the treatment of this section first applies to the spring primary election in 2006.

2004 Main Volume

Source:

L.1965, c. 666, § 1, eff. July 1, 1967.
L.1971, c. 304, § 29(2), eff. May 9, 1972.
L.1973, c. 166, § 1, eff. March 12, 1974.

L.1973, c. 225, eff. June 1, 1974.
L.1973, c. 334, § 4, eff. July 7, 1974.
L.1975, c. 85, § 11, eff. July 1, 1976.
L.1975, c. 199, §§ 4, 5, eff. July 1, 1976.
L.1977, c. 378, §§ 1, 2, eff. May 23, 1978.
L.1977, c. 394, § 10, eff. July 1, 1978.
L.1977, c. 447, §§ 2, 3, eff. July 9, 1978.
L.1979, c. 32, § 3, eff. July 20, 1979.
L.1981, c. 44, § 3, eff. Jan. 1, 1982.
L.1981, c. 202, § 23, eff. July 1, 1982.
1983 Act 484, § 31m, eff. June 1, 1984.
1985 Act 304, §§ 52 to 52r, eff. July 1, 1986.
1989 Act 31, § 7, eff. Jan. 1, 1990.
1989 Act 192, § 29, eff. July 1, 1990.
1991 Act 221, § 1, eff. May 7, 1992.
1999 Act 49, § 1, eff. April 26, 2000.
1999 Act 182, § 77, eff. May 25, 2000.
2001 Act 38, § 1, eff. Jan. 5, 2002.
2001 Act 51, § 4, eff. April 17, 2002.

Prior Laws:

L.1927, c. 208, §§ 1, 3.

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W.S.A. 6.28

- St.1927, § 6.17.
- L.1931, c. 112.
- L.1933, c. 433, §§ 1, 4.
- L.1945, c. 59.
- L.1953, c. 149.
- L.1957, c. 323, §§ 1, 2.
- L.1961, c. 429, § 5.
- St.1963, § 6.17.

1991 Act 221 amended subsec. (1).

1989 Act 192 amended subsec. (3).

1989 Act 31 amended subsecs. (1) and (3).

Former Sections:

St.1963, § 6.28 related to election supplies. For similar subject matter, following the repeal and recreation of this chapter by L.1965, c. 666, § 1, see § 7.10.

CROSS REFERENCES

Board of election commissioners, see § 7.20.

LIBRARY REFERENCES

2004 Main Volume

- Elections ↪ 105, 106.
- Westlaw Topic No. 144.
- C.J.S. Elections § 46.

NOTES OF DECISIONS

**Canvassing 2
Public policy 1**

1. Public policy

Public policy as set forth by legislature mandates voter registration procedures to be used in any municipality which has population over 5,000. *Town of Washington v. City of Altoona* (1976) 243 N.W.2d 404, 73 Wis.2d 250. Elections ↪ 96

2. Canvassing

Likelihood that plaintiffs would prevail in action to compel Board of Election Commissioners to appoint registered electors of city as special registration deputies and to permit such deputies to register qualified persons through door to door canvassing was not sufficient to warrant preliminary injunction in view of the voter registration sites which had been authorized. *Latin Am. Union For Civil Rights, Inc. v. Board of Election Com'rs of City of Milwaukee*, E.D.Wis.1972, 349 F.Supp. 987. Injunction ↪ 138.51

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W. S. A. 6.28, WI ST 6.28

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W.S.A. 6.29



West's Wisconsin Statutes Annotated Currentness
Elections (Ch. 5 to 12)
 Chapter 6. The Electors (Refs & Annos)
 Subchapter II. Registration

→6.29. Late registration in person

(1) No names may be added to a registration list for any election after the close of registration, except as authorized under this section or s. 6.55(2) or 6.86(3)(a)2. Any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section.

(2)(a) Any qualified elector of a municipality who has not previously filed a registration form or whose name does not appear on the registration list of the municipality may register after the close of registration but not later than 5 p.m. or the close of business, whichever is later, on the day before an election at the office of the municipal clerk and at the office of the clerk's agent if the clerk delegates responsibility for electronic maintenance of the registration list to an agent under s. 6.33(5)(b). The elector shall complete, in the manner provided under s. 6.33(2), a registration form containing all information required under s. 6.33(1). The registration form shall also contain the following certification: "I, ..., hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at ... for at least 10 days immediately preceding this election, and I have not voted at this election". The elector shall also provide proof of residence under s. 6.34. Alternatively, if the elector is unable to provide proof of residence under s. 6.34, the information contained in the registration form shall be corroborated in a statement that is signed by any other elector of the municipality and that contains the current street address of the corroborating elector. The corroborating elector shall then provide proof of residence under s. 6.34. If the elector is registering after the close of registration for the general election and the elector presents a valid driver's license issued by another state, the municipal clerk or agent shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license.

(am) The board shall provide to each municipal clerk a list prepared for use at each municipal clerk's office showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03(20) as ineligible to vote on the date of the election, whose address is located in the municipality, and whose name does not appear on the registration list for that municipality. Prior to permitting an elector to register to vote under this subsection, the municipal clerk shall review the list. If the name of an elector who wishes to register to vote appears on the list, the municipal clerk shall inform the elector that the elector is ineligible to register to vote. If the elector maintains that he or she is eligible to vote in the election, the municipal clerk shall permit the elector to register to vote but shall mark the elector's registration form as "ineligible to vote per Department of Corrections." If the elector wishes to vote, the municipal clerk shall challenge the elector's ballot in the same manner as provided for inspectors who challenge ballots under s. 6.79(2)(dm).

(b) Upon the filing of the registration form required by this section, the municipal clerk or clerk's agent under s. 6.33(5)(b) shall issue a certificate containing the name and address of the elector addressed to the inspectors of the proper ward or election district directing that the elector be permitted to cast his or her vote if the elector complies with all requirements for voting at the polling place. The certificate shall be numbered serially, prepared in duplicate and one copy preserved in the office of the municipal clerk.

(c) At the time he or she appears at the correct polling place, the elector shall deliver any certificate issued under

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par. (b) to the inspectors. If the elector applies for and obtains an absentee ballot, any certificate shall be annexed to and mailed with the absentee ballot to the office of the municipal clerk.

(d) The inspectors shall record the names of electors who present certificates in person or for whom certificates are presented with absentee ballots under this section on the list maintained under s. 6.56(1). These names shall then be added to the registration list if the electors are qualified.

<<For credits, see Historical Note field.>>

HISTORICAL AND STATUTORY NOTES

2007 Electronic Update

Source:

2003 Act 265, §§ 43, 44, eff. April 30, 2004.
2005 Act 451, §§ 33 to 36, eff. July 1, 2006.

2003 Legislation:

2003 Act 265, § 150 provides in part that the treatment of this section first applies to the spring primary election in 2006.

2004 Main Volume

Source:

L.1977, c. 394, § 11, eff. July 1, 1978.
1987 Act 391, § 27e, eff. July 1, 1988.
1989 Act 192, §§ 30, 31, eff. July 1, 1990.
1999 Act 182, §§ 78 to 80, eff. May 25, 2000.

2001 Act 51, § 5, eff. April 17, 2002.

1989 Act 192 amended subsecs. (2)(a) and (2)(b) and repealed subsec. (3).

Former Sections:

St.1963, § 6.29 related to distribution of official ballots. For similar subject matter, following the repeal and recreation of this chapter by L.1965, c. 666, § 1, see §§ 7.10 and 7.15.

LIBRARY REFERENCES

2004 Main Volume

Elections ↪105.
Westlaw Topic No. 144.

W. S. A. 6.29, WI ST 6.29

Current through 2007 Act 19, published 8/22/2007

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West's Wisconsin Statutes Annotated Currentness
Elections (Ch. 5 to 12)
 ☐ Chapter 6. The Electors (Refs & Annos)
 ☐ Subchapter II. Registration

→ 6.54. Failure to register; rights

No name may be added to the registration list after the close of registration, but any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with s. 6.29 or 6.55.

<<For credits, see Historical Note field.>>

HISTORICAL AND STATUTORY NOTES

2004 Main Volume

Source:

- L.1965, c. 666, § 1, eff. July 1, 1967.
- L.1977, c. 394, § 28, eff. July 1, 1978.
- St.1983, § 6.55(1).
- 1985 Act 304, § 60, eff. July 1, 1986.

Former Sections:

St.1963, § 6.54 related to qualifications of voters. For similar subject matter, following the repeal and recreation of this chapter by L.1965, c. 666, § 1, see § 6.03.

LIBRARY REFERENCES

2004 Main Volume

Elections ↪ 118.
Westlaw Topic No. 144.

W. S. A. 6.54, WI ST 6.54

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W.S.A. 6.55



West's Wisconsin Statutes Annotated Currentness
Elections (Ch. 5 to 12)
 Chapter 6. The Electors (Refs & Annos)
 Subchapter II. Registration

→6.55. Polling place registration; voting by certification

(2)(a)1. Except where the procedure under par. (c) or (cm) is employed, any person who qualifies as an elector in the ward or election district where he or she desires to vote, but has not previously filed a registration form, or was registered at another location, may request permission to vote at the polling place for that ward or election district, or at an alternate polling place assigned under s. 5.25(5)(b). When a proper request is made, the inspector shall require the person to execute a registration form prescribed by the board. The registration form shall be completed in the manner provided under s. 6.33(2) and shall contain all information required under s. 6.33(1), together with the following certification:

"I, ..., hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at ... for at least 10 days immediately preceding this election, and I have not voted at this election."

2. If a change of address is made from outside the municipality, the municipal clerk shall file the notice required under s. 6.40(1)(a)3.

(b) Upon executing the registration form under par. (a), the elector shall provide proof of residence under s. 6.34. If the elector cannot provide proof of residence, the information contained in the registration form shall be corroborated in a statement that is signed by any elector who resides in the same municipality as the registering elector and that contains the current street address of the corroborating elector. The corroborator shall then provide proof of residence as provided in s. 6.34. If the elector is registering to vote in the general election and the elector presents a valid driver's license issued by another state, the inspector or deputy shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license. The signing by the elector executing the registration form and by any corroborator shall be in the presence of the special registration deputy or inspector who shall then print his or her name on and sign the form, indicating that the deputy or inspector has accepted the form. Upon compliance with this procedure, the elector shall be permitted to cast his or her vote, if the elector complies with all other requirements for voting at the polling place.

(c)1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence or at an alternate polling place assigned under s. 5.25(5)(b), instead of at the polling place serving the elector's residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. The elector who desires to register shall execute a registration form as prescribed under par. (a) and provide proof of residence as provided under s. 6.34. If the elector cannot provide acceptable proof of residence, the information contained in the registration form shall be corroborated in the manner provided in par. (b). If the elector is registering to vote in the general election and the elector presents a valid driver's license issued by another state, the municipal clerk, deputy clerk, or special registration deputy shall record on a separate list the name and address of the elector, the

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name of the state, and the license number and expiration date of the license. The signing by the elector executing the registration form and by any corroborator shall be in the presence of the municipal clerk, deputy clerk or special registration deputy. The municipal clerk, the deputy clerk, or the special registration deputy shall then print his or her name and sign the form, indicating that the clerk, deputy clerk, or deputy has accepted the form. Upon proper completion of registration, the municipal clerk, deputy clerk or special registration deputy shall serially number the registration and give one copy to the elector for presentation at the polling place serving the elector's residence or an alternate polling place assigned under s. 5.25(5)(b).

2. Upon compliance with the procedures under subd. 1., the municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors of the proper polling place directing that the elector be permitted to cast his or her vote if the elector complies with all requirements for voting at the polling place. The clerk shall enter the name and address of the elector on the face of the certificate. If the elector's registration is corroborated, the clerk shall also enter the name and address of the corroborator on the face of the certificate. The certificate shall be numbered serially and prepared in duplicate. The municipal clerk shall preserve one copy in his or her office.

3. The elector, at the time he or she appears to vote at the polling place, shall deliver the certificate issued under subd. 2 to the inspectors.

(cm) If an elector who is not registered wishes to obtain a confidential listing under s. 6.47(2), the elector shall register at the office of the municipal clerk of the municipality where the elector resides. Upon completion of registration, the municipal clerk or a deputy clerk shall serially number the registration form and issue a voting identification card to the elector under s. 6.47(3). The elector may vote at the polling place serving his or her residence by presenting the identification card or by providing his or her name and identification serial number to the inspectors.

(cs) The board shall provide to each municipal clerk a list prepared for use at each polling place showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03(20) as ineligible to vote on the date of the election, whose address is located in the area served by that polling place, and whose name does not appear on the poll list for that polling place. Prior to permitting an elector to register to vote under this subsection or s. 6.86(3)(a)2., the inspectors or special registration deputies shall review the list. If the name of an elector who wishes to register to vote appears on the list, the inspectors or special registration deputies shall inform the elector or the elector's agent that the elector is ineligible to register to vote. If the elector or the elector's agent maintains that the elector is eligible to vote in the election, the inspectors or special registration deputies shall permit the elector to register but shall mark the elector's registration form as "ineligible to vote per Department of Corrections." If the elector wishes to vote, the inspectors shall require the elector to vote by ballot and shall challenge the ballot as provided in s. 6.79(2)(dm).

(d) A registered elector who has changed his or her name but resides at the same address, and has not notified the municipal clerk under s. 6.40(1)(c), shall notify the inspector of the change before voting. The inspector shall then notify the municipal clerk at the time when materials are returned under s. 6.56(1). If an elector has changed both a name and address, the elector shall register at the polling place or other registration location under pars. (a) and (b).

(3)(a) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall complete registration as provided in sub. (2).

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(b) Prior to permitting an elector to vote under this subsection, the inspectors shall review the list provided by the board under sub. (2)(cs). If the name of the elector appears on the list, the inspectors shall inform the elector that he or she is ineligible to vote at the election. If the elector maintains that he or she is eligible to vote in the election, the inspectors shall permit the elector to vote, but shall require the elector to vote by ballot, and shall challenge the ballot as provided in s. 6.79(2)(dm).

(5) Any person who violates this section may be punished as provided in ss. 12.13(3)(g) and 12.60(1)(b).

(6) The governing body or board of election commissioners of any municipality may provide by resolution that any of the registration duties of inspectors under sub. (2) shall be carried out in the municipality by special registration deputies appointed by the municipal clerk or board of election commissioners at any polling place or other registration location whenever the clerk or board of election commissioners determines that the registration process provided for in that subsection will be facilitated thereby. The deputies shall be specially appointed by the clerk or board of election commissioners for one election only to conduct elector registration only.

<<For credits, see Historical Note field.>>

HISTORICAL AND STATUTORY NOTES

2007 Electronic Update

Source:

- 2003 Act 265, §§ 79 to 91, eff. April 30, 2004.
- 2005 Act 451, §§ 49 to 55, eff. July 1, 2006.

2003 Legislation:

2003 Act 265, § 150 provides in part that the treatment of this section first applies to the spring primary election in 2006.

2004 Main Volume

Source:

- L.1965, c. 666, § 1, eff. July 1, 1967.
- L.1971, c. 304, § 29(2), eff. May 9, 1972.
- L.1973, c. 222, eff. June 1, 1974.
- L.1975, c. 85, §§ 28, 29, eff. July 1, 1976.
- L.1975, c. 93, § 7, eff. Oct. 28, 1975.
- L.1975, c. 199, §§ 19, eff. July 1, 1976.
- L.1975, c. 200, § 4, eff. April 14, 1976.
- L.1977, c. 394, §§ 28 to 33, eff. July 1, 1978.
- L.1977, c. 427, § 39, eff. July 1, 1978.
- L.1979, c. 311, § 24, eff. May 18, 1980.
- L.1981, c. 44, § 3, eff. Jan. 1, 1982.
- L.1981, c. 202, § 23, eff. July 1, 1982.
- 1983 Act 484, § 43, eff. June 1, 1984.
- 1985 Act 304, §§ 59 to 61, eff. July 1, 1986.
- 1987 Act 391, §§ 28m to 29m, eff. July 1, 1988.
- 1989 Act 31, § 9, eff. Jan. 1, 1990.
- 1989 Act 192, §§ 42 to 44, eff. July 1, 1990.

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1999 Act 49, §§ 10, 11, eff. April 26, 2000.

1999 Act 186, § 3, eff. June 2, 2000.

Prior Laws:

L.1864, c. 445, §§ 5 to 7, 11.

L.1877, c. 264, §§ 7, 8, 11.

L.1878, c. 317.

R.S.1878, § 23.

L.1887, c. 543.

L.1889, c. 199.

Ann.Stats.1889, § 23.

L.1893, c. 288, § 55.

St.1898, § 61.

L.1907, c. 33.

L.1911, c. 391, §§ 17, 19.

L.1911, c. 632.

Spl.S.1912, c. 16.

L.1913, c. 5, §§ 3, 4.

L.1915, c. 383, § 49.

L.1915, c. 385, § 2.

St.1915, §§ 6.44, 10.17, 10.19.

L.1915, c. 604, § 85.

L.1921, c. 478.

L.1929, c. 492.

L.1933, c. 355.

L.1933, c. 433, §§ 1, 3, 4.

L.1935, c. 421.

L.1937, c. 71.

L.1939, c. 279.

L.1939, c. 513, § 3.

L.1943, c. 469.

L.1947, c. 483.

St.1963, §§ 6.44, 10.17, 10.19.

L.1967, c. 28, § 1, eff. May 18, 1967.

L.1967, c. 28, § 4, eff. July 1, 1967.

1989 Act 192 amended the title and subsecs. (2)(a), (b) and (c)1, (3) and (6) and repealed subsec. (4).

1989 Act 31 amended subsec. (7)(c)2.

1985 Act 304, § 60 renumbered and amended subsec. (1) as § 6.54.

CROSS REFERENCES

Challenge of electors, see § 6.92 et seq.

Challenging registration, see § 6.48.

Duty to administer official and election oaths without fees, see § 887.02.

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Election officials, appointment, see § 7.30.

Oath of elector, challenge, see § 6.94.

Persons authorized to administer oaths, see § 887.01.

Qualifications of electors, see Const. Art. 3, § 1; § 6.02 et seq.

Recording of electors voting, see § 6.79.

Use of old residence for voting purposes, see §§ 6.02, 6.10.

LAW REVIEW AND JOURNAL COMMENTARIES

Protecting the right not to vote from voter purge statutes. 64 Fordham L.Rev. 1015 (1995).

LIBRARY REFERENCES

2004 Main Volume

- Elections ¶95, 118, 204.
- Westlaw Topic No. 144.
- C.J.S. Elections §§ 37, 193, 199, 210(1).

NOTES OF DECISIONS

- In general 2**
- Affidavits 3**
- Certificates 4**
- Oaths 5**
- Validity 1**

1. Validity

The provisions of St.1898, §§ 23, 61 that one whose name was not on the registry as completed could not vote except on presenting an affidavit showing certain facts as to his qualification, was not unreasonable or inconsistent with his right to vote, as secured by the constitution. State v. Trask (1908) 115 N.W. 823, 135 Wis. 333. Elections ¶ 10.5

2. In general

St.1898, §§ 23, 61 providing that no vote shall be received if the name of the person offering it was not on the registry, unless he furnished proof, by affidavit showing certain facts, of his right to vote, was mandatory, and his vote having been received without his furnishing a sufficient affidavit, it should be rejected, though the facts existed on which he could have shown a right to vote. State v. Trask (1908) 115 N.W. 823, 135 Wis. 333. Elections ¶ 118

No registry law can be sustained which prescribes qualifications of an elector additional to those named in the constitution, and a registry law can be sustained only, if at all, as providing a reasonable mode or method by which the constitutional qualifications of an elector may be ascertained and determined, or as regulating reasonably the exercise of the constitutional right to vote at an election. If the mode or method, or regulations, prescribed by law

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for such purpose, and to such end, deprive a fully qualified elector of his right to vote at an election, without his fault and against his will, and require of him what is impracticable or impossible, and make his right to vote depend upon a condition which he is unable to perform, they are as destructive of his constitutional right, and make the law itself as void, as if it directly and arbitrarily disfranchised him without any pretended cause or reason, or required of an elector qualifications additional to those named in the constitution. *Dells v. Kennedy* (1880) 6 N.W. 246, 49 Wis. 555, 35 Am.Rep. 786, dissenting opinion 6 N.W. 381, 49 Wis. 555.

In an action to try the title to an office, the requisition of the registry law, L.1864, c. 445, § 7, which forbade receiving the vote of any person, at an annual election in the state, whose name was not upon the registry made on the Tuesday or Wednesday preceding the election, unless he furnished the board of inspectors a specified affidavit, and offered certain proof, as therein required, of his residence in the district, was imperative, and all votes received in violation of this provision would be rejected. *State, on Complaint of Doerflinger, v. Hilmantel* (1867) 21 Wis. 566. Elections ↪ 118

Qualified elector who removed from his election district within 10 days before election day and before registration day, was deprived of right to vote. 10 Op.Atty.Gen. 433 (1921).

In 1927 electors could be registered on any election day other than general elections and this was also true for spring elections in the even numbered years. 11 Op.Atty.Gen. 79 (1922).

3. Affidavits

Under St.1898, §§ 23, 61 declaring one whose name was not on the registry as completed entitled to vote only on presenting an affidavit showing certain facts, it could not aid him that the insufficient affidavit presented by him was the only form at hand. *State v. Trask* (1908) 115 N.W. 823, 135 Wis. 333. Elections ↪ 118

Under R.S.1898, § 24, which provided that if after the last day for registering and before the election one shall become a qualified voter of an election district he shall have the right to vote therein, provided he shall, at the time he offers to vote, deliver to the inspectors his affidavit, "in which he shall state the facts showing that he has, since the completion of such registry, become a qualified elector of such district, and the facts showing that he was not such an elector on the day such registry was completed," and the affidavit presented by defendant was that he was not registered, "for the reason that he was not then a qualified elector in said election district on account of not-in-town business, but that he has, since the said completion of said registry, become a qualified elector of said district by reason of being a qualified voter, and that he now resides at * * *.", this affidavit could not have been the basis of a charge of perjury, as it did not set out the "facts showing" his qualification and former disqualification. *State v. Lloyd* (1890) 46 N.W. 898, 77 Wis. 630. Perjury ↪ 11(3)

Where there was no registry of the voters of a town, and none of the persons who voted therein at an election furnished the affidavit required by law to entitle the vote of an unregistered elector to be received, the whole vote of the town must be rejected in quo warranto. *State ex rel. Bancroft v. Stumpf* (1869) 23 Wis. 630. Elections ↪ 116

The provisions of the registry law, L.1864, c. 445, § 7 which forbade the vote of any person to be received at any annual election in this state, unless his name was on the registry made on a previous day, or unless he shall have furnished the board of inspectors a certain affidavit and certain specified proof of his residence in the district, were imperative, and all votes received in violation of those provisions were to be rejected by the court in an action to try title to an office. *State on Complaint of Doerflinger v. Hilmantel* (1867) 21 Wis. 574.

Unregistered voter could vote at primary by making affidavit. 1 Op.Atty.Gen. 269 (1913).

Election inspector could sign affidavit for prospective voter and such act did not disqualify him from challenging

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voter nor from passing upon challenge of others. 21 Op.Atty.Gen. 335 (1932).

4. Certificates

Certificate "directing that such elector be permitted to cast his ballot," issued to nonregistered elector under St.1933, § 6.44 (see, now, this section) did not suspend right to challenge his vote. 22 Op.Atty.Gen. 796 (1933).

Certificate issued to absent nonregistered elector voting by mail could be delivered to election inspectors by freeholders whose names appear on corroborating affidavit. 22 Op.Atty.Gen. 796 (1933).

Nonregistered elector should appear before his municipal clerk in connection with application to vote by affidavit and should fill out registration card before being entitled to certificate. 22 Op.Atty.Gen. 796 (1933).

5. Oaths

Election inspectors could administer oaths to unregistered voters. 1 Op.Atty.Gen. 269 (1913).

Inspector of election who had taken and filed oath of office could administer oaths. 13 Op.Atty.Gen. 72 (1924).

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Wyoming

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W.S.1977 § 22-3-102

▷

West's Wyoming Statutes Annotated Currentness

Title 22. Elections

▣ Chapter 3. Registration (Refs & Annos)

→ § 22-3-102. Qualifications; temporary registration

(a) A person may register to vote not less than thirty (30) days before an election, at any election specified in W.S. 22-2-101(a)(i) through (viii) or as provided by W.S. 22-3-117, who satisfies the following qualifications:

(i) He is a citizen of the United States;

(ii) He will be at least eighteen (18) years of age on the day of the next election;

(iii) He is a bona fide resident of Wyoming as determined in accordance with W.S. 22-1-102(a)(xxx);

(iv) He is not currently adjudicated mentally incompetent;

(v) He has not been convicted of a felony, or if convicted has had his civil or voting rights restored.

(b) Repealed by Laws 2004, ch. 94, § 4.

(c) Repealed by Laws 1998, Sp. Sess., ch. 100, § 5.

(d) An absent uniformed services or an overseas citizen voter who is qualified to register by mail, to request an absentee ballot, and to vote in Wyoming is entitled to register by mail using the Federal Postcard Application for the purpose of voting in one (1) election or as many as the next two (2) federal election cycles, including the primary and general and special federal elections, but thereafter the voter's name shall be removed from the temporary registration list which shall be maintained as a segregated part of the voter registration list. The voter's name shall not appear on the permanent official registry list until the voter has registered as provided in W.S. 22-3-103 and 22-3-104.

(e) The secretary of state is authorized to provide for the verification of certain voter registration data in accordance with the following:

(i) The secretary of state and the director of the department of transportation shall enter into an agreement to match voter registration data with information maintained by the department regarding driver's licenses, in order to verify the information provided on applications for voter registration;

(ii) The secretary of state and the attorney general shall enter into an agreement to compare data in the voter registration system with information maintained by the division of criminal investigation regarding state felony convictions in order to deny voter registration to, and remove from voter registration lists, individuals who are not qualified electors;

(iii) The secretary of state and the director of the department of health shall enter into an agreement to match information in the voter registration system with death records in the office of vital records services within the

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W.S.1977 § 22-3-102

department of health in order to remove names of deceased individuals from voter registration lists;

(iv) The secretary of state and the state board of parole shall enter into an agreement to match information in the voter registration system with records regarding restoration of voting rights maintained by the state board of parole in order to verify voter qualifications.

Laws 1973, ch. 251, § 1; Laws 1993, ch. 172, § 1; Laws 1998, Sp. & Bud. Sess., ch. 100, § 2, eff. Jan. 1, 1999; Laws 2002, Sp. & Bud. Sess., ch. 18, § 2, eff. Jan. 1, 2003; Laws 2003, ch. 132, § 1, eff. July 1, 2003; Laws 2004, ch. 94, §§ 2, 4, eff. March 5, 2004.

Codifications: W.S. 1957, § 22.1-18.

HISTORICAL AND STATUTORY NOTES

Laws 2003, ch. 132, § 2 provided:

"The intent of this act is to provide an opportunity to restore voting rights lost by persons convicted of felonies other than violent felonies regardless of when the conviction occurred. Nothing in this act shall be construed to affect the governor's powers under W.S. 7-13-105 to restore any rights lost pursuant to W.S. 6-10-106."

CROSS REFERENCES

Alien suffrage, see Const. Art. 6, § 10.

Electors must be citizens of United States, see Const. Art. 6, § 5.

Qualifications for office, see Const. Art. 6, § 15.

Qualifications of electors, see Const. Art. 6, § 2.

What persons excluded from franchise, see Const. Art. 6, § 6.

LIBRARY REFERENCES

Elections ↪59, 86, 90, 105, 106.

Westlaw Key Number Searches: 144k59; 144k86; 144k90; 144k105; 144k106.

C.J.S. Elections §§ 16, 32 to 33, 46.

UNITED STATES CODE ANNOTATED

Voting rights, person of 18 years of age, see 42 U.S.C.A. § 1973bb et seq.

NOTES OF DECISIONS

Construction and application 1
Eligibility, generally 2

Property ownership 3

1. Construction and application

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W.S.1977 § 22-3-102

Statutory and constitutional provisions tending to limit the candidacy of any person for public office or to exclude any citizen from participation in the elective process must be construed in favor of right of voters to exercise their choice and should be construed strictly and not extended to cases not clearly covered thereby. Const. art. 3, § 8. *Brimmer v. Thomson*, 1974, 521 P.2d 574. Elections ↻ 60; Officers And Public Employees ↻ 19

2. Eligibility, generally

An "elector," as the word is defined in Section 2 of Article 6 of the constitution, is one who is entitled to vote, and the word "electors" as used in Section 1 of Article 20, relating to amendments, means those entitled to vote. State ex rel. *Blair v. Brooks*, 1909, 17 Wyo. 344, 99 P. 874. Elections ↻ 59

A translation of the state constitution is not a "copy" of the constitution, and ability to read a translation does not, under constitutional provision requiring that electors be able to read constitution, entitle person to vote. *Rasmussen v. Baker*, 1897, 7 Wyo. 117, 50 P. 819. Elections ↻ 59

"Constitution", within constitutional provision that an elector must be capable of reading constitution, refers to the written constitution. *Rasmussen v. Baker*, 1897, 7 Wyo. 117, 50 P. 819. Elections ↻ 59

3. Property ownership

Persons voting property ballot at town bond election when they were not in fact owners of property in town, voted illegally. *Fugate v. Mayor and City Council of Town of Buffalo*, 1959, 348 P.2d 76, 97 A.L.R.2d 243. Municipal Corporations ↻ 918(1); Elections ↻ 81

While realty in town may be assessed in the name of one person in the early part of the year but owned by another at time of town bond election, owner of property at time of election should be permitted to vote property ballot. W.S.1957, §§ 22-131 to 22-133. *Fugate v. Mayor and City Council of Town of Buffalo*, 1959, 348 P.2d 76, 97 A.L.R.2d 243. Municipal Corporations ↻ 918(1); Elections ↻ 81

Holders of contracts for deed with respect to town property could legally vote on property ballot in town bond election. W.S.1957, §§ 22-131 to 22-133. *Fugate v. Mayor and City Council of Town of Buffalo*, 1959, 348 P.2d 76, 97 A.L.R.2d 243. Municipal Corporations ↻ 918(1); Elections ↻ 81

Laws 1925, c. 36 (repealed 1931, c. 73, § 179), amending Laws 1923, c. 102, § 1, providing that only taxpayers or wives or husbands of owners of realty may vote at bond elections, is invalid so far as it relates to elections on propositions to create public debts, required to be submitted to "people" by Const. art. 16, § 4, notwithstanding article 13, § 3, commanding Legislature to restrict municipalities' power to borrow money, in view of article 16, §§ 2, 5, and article 6, § 2; "people" as used in Constitution meaning all electors, and Comp.St.1920, §§ 2182-2192, 29-2301, 29-2303 to 29-2305, 29-2307 to 29-2309, 29-2311, under which proposed bonds for sewage system were to be issued, and which act in question does not purport to amend or repeal, in requiring that proposition be submitted to vote of electors, is legislative recognition of this definition. *Simkin v. City of Rock Springs*, 1925, 33 Wyo. 166, 237 P. 245. Elections ↻ 81

W. S. 1977 § 22-3-102, WY ST § 22-3-102

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W.S.1977 § 22-3-104

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West's Wyoming Statutes Annotated Currentness

Title 22. Elections

▣ Chapter 3. Registration (Refs & Annos)

→ § 22-3-104. Methods of verification; signing oath; time for proving eligibility; registration locations

(a) Repealed by Laws 2004, ch. 94, § 4.

(b) Repealed by Laws 2004, ch. 94, § 4.

(c) Repealed by Laws 1998, Sp. Sess., ch. 100, § 5.

(d) An applicant may only register to vote in person or by mail at which time he shall provide the information required by W.S. 22-3-103(a) and sign the registration oath as required by W.S. 22-3-103(b).

(i) through (iii) Repealed by Laws 2005, ch. 110, § 2.

(e) Repealed by Laws 2005, ch. 110, § 2.

(f) A person shall be registered to vote as follows:

(i) Registration before the secretary of state has certified that the voter registration system is operational is effective upon receipt and acceptance by the county clerk or election judge of the completed and signed registration oath subscribed by the registry agent or by a person authorized to administer oaths if the voter is registering by mail;

(ii) Registration after the secretary of state has certified that the voter registration system is operational is effective:

(A) At the polls for the purpose of voting. Upon verification of the information, the voter shall continue to be registered. Upon failure of verification, the voter's registration shall be revoked in accordance with W. S. 22-3-105;

(B) For registration, other than at the polls, after the voter registration information has been entered onto the voter registration system and verified.

(g) On election day, applicants attempting to register who lack the proof required under this section shall be offered provisional ballots in accordance with W.S. 22-15-105 and permitted until the close of business on the day following the election to present documentation to the county clerk establishing their eligibility to register and to vote in the precinct.

(h) An applicant may register to vote in person:

(i) In his proper polling place at any election specified in W.S. 22-2- 101(a)(i) through (viii); or

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W.S.1977 § 22-3-104

(ii) In the office of the county clerk or city clerk in the principal office building of the county or city in the presence of the registry agent.

(j) A county or city clerk may establish and maintain registration facilities in a public building owned or occupied by a political subdivision or governmental institution, agency or entity, after giving not less than two (2) days notice by publication in a newspaper of general circulation in the county and by posting such notice in such clerk's office and on the front door of such public building. The requirements of subsection (h) of this section regarding the place of registration shall not apply to a person registering in accordance with this subsection.

Laws 1973, ch. 251, § 1; Laws 1993, ch. 172, § 1; Laws 1998, Sp. & Bud. Sess., ch. 100, §§ 2, 5, eff. Jan. 1, 1999; Laws 2002, Sp. & Bud. Sess., ch. 18, § 2, eff. Jan. 1, 2003; Laws 2004, ch. 94, §§ 2, 4, eff. March 5, 2004; Laws 2005, ch. 110, §§ 1, 2, eff. July 1, 2005.

Codifications: W.S. 1957, § 22.1-20.

CROSS REFERENCES

Registration, qualifications, see § 22-3-102.

Wyoming election code, definitions, see § 22-1-102.

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Elections ↪106, 223.

Westlaw Key Number Searches: 144k106; 144k223.

C.J.S. Elections §§ 46, 209.

W. S. 1977 § 22-3-104, WY ST § 22-3-104

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W.S.1977 § 22-3-117

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West's Wyoming Statutes Annotated Currentness

Title 22. Elections

▣ Chapter 3. Registration (Refs & Annos)

→ § 22-3-117. Absentee registration generally; use of federal postcard

(a) Notwithstanding any other section or provision in this chapter, any citizen of the United States who is a resident of Wyoming may apply for registration by providing the information required by W.S. 22-3-103(a) and acceptable identification to and completing and subscribing, the form of voter registration oath prescribed by W.S. 22-3-103(b) before any person authorized by law to administer oaths. Each county clerk shall furnish the voter registration oath forms. The applicant shall mail or return the completed voter registration oath form to the county clerk in the county in which the applicant resides. In order to vote in the next election, the application must be received in the county clerk's office before the close of registration for that election or be accompanied by an absentee ballot request for elections where a voter may register at the polls.

(b) Under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff (2002) the following persons shall be allowed to simultaneously register and make application for an absentee ballot through the use of the Federal Postcard Application (FPCA), provided those persons are residents of this state or in the case of overseas citizens, they were last domiciled in Wyoming immediately prior to their departure from the United States and are not registered to vote in any other jurisdiction:

- (i) Members of the uniformed services and their spouses and dependents residing with them;
- (ii) Overseas citizens and their spouses and dependents residing with them;
- (iii) Citizens temporarily residing outside of the United States, and their spouses and dependents residing with them; and
- (iv) Any other person to whom federal law requires this privilege be extended.

(c) Registration through the Federal Postcard Application constitutes temporary registration for the purpose of voting in one (1) election or through as many as the next two (2) federal election cycles, including the primary and general and special federal elections, and the registration of such a registrant shall be maintained as provided in W.S. 22-3-102(d). The Federal Postcard Application shall be accepted if completed and signed by the applicant under penalty of perjury.

(d) If any person specified in subsection (b) of this section desires permanent registration, that person shall provide the information required by W.S. 22- 3-103(a) and subscribe to the voter registration oath prescribed by W.S. 22-3-103(b). The oath shall be self- administered under penalty of perjury and notwithstanding W.S. 22-3-104 does not require the signature of an oath-taking official.

Laws 1973, ch. 251, § 1; Laws 1979, ch. 133, § 2; Laws 1985, ch. 143, § 1; Laws 1991, ch. 243, § 2; Laws 1998, Sp. & Bud. Sess., ch. 100, § 2, eff. Jan. 1, 1999; Laws 2002, Sp. & Bud. Sess., ch. 18, § 2, eff. Jan. 1, 2003; Laws 2004, ch. 94, § 2, eff. March 5, 2004; Laws 2005, ch. 110, § 1, eff. July 1, 2005.

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W.S.1977 § 22-3-117

Codifications: W.S. 1957, § 22.1-33.

CROSS REFERENCES

Registration, qualifications, see § 22-3-102.

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Elections ↻106.
Westlaw Key Number Search: 144k106.
C.J.S. Elections § 46.

W. S. 1977 § 22-3-117, **WY ST § 22-3-117**

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