



Voter Registration: Time for a Change?

This month’s program is Part 1 of Study 1 of LWV-VA’s study on state election laws. We made the decision locally to divide this year’s section of the two-year study in two so as to fit our *VOTER* space and ease consideration of the CONSENSUS questions involved. (The second part of the study will appear in next month’s *VOTER*.) The issues for your consideration involve voter registration. The study observes that requiring voter registration, not in the U.S Constitution, has been used as a way of *limiting* voter participation in the past. So the question is, why do we need voter registration and what kind of voter registration would be the most effective way to prevent voter fraud while still *encouraging* voter turnout? We hope this month’s discussion will convince more of us to volunteer to help the committee research next year’s study.

Calendar

- April** No Units – LWVFA Annual Meeting
- 24 LWVFA Annual Meeting (62nd)
Mason District Gov’t Center 10 a.m.

- May**
- 01 Law Day
- 01 LWV-VA Council in Lynchburg
- 03 June *Fairfax VOTER* deadline
- 04 City and Town Elections
- 08 Briefing: Packard Ctr 10 a.m. LWV-VA
Election Laws– Part 1, consensus
- 08 LWNCA Annual Convention
- 10-13 Units – Virginia Election Laws
- 10 Prince Wm Area Four Seasons Comm
Elections – helping this first year
- 11-12 FCPS Budget Hearings-II for FY11
- 15 McLean Community Center Elections
- 19 Board Meeting- UC letter deadline
- 22 *Viva! Vienna!*
- 31 Memorial Day

Inside This Issue

President’s Message	2
A Warm Welcome New Members	2
Corrections	2
McDevitt Receives Award From CAAB	2
Turning Point Committee Plans	
Fund Raiser	3
Domestic Violence Committee Gears Up	4
Census Posters Distributed	4
LWVFA Mourn Loss of Arnie Kanter	4
Voter Registration: Time for a Change? EF	1
Consensus Questions For	
May Voter Registration Study	5
Agreement Reached on Prioritizing	
All-Day Kindergarten	6
Unit Meeting Locations	7



The President's Message

What is the League to you? Is it all about voter registration, candidate debates/forums, panels, "Facts for Voters," the study of the issues? Or is it being involved in the local government by way of membership on county committees/commissions/boards? Or do you think lobbying under our positions is the most important thing the League does? What is your interest? Some of the above or none of the above? And are you involved in that aspect of LWVFA?

Why all the questions? People only become involved in what is of importance to them. By being involved I do not mean to be responsible for the activities but to help with them, yes. So, what kind of Leaguer are you? One who thinks paying yearly dues is enough? Or one who thinks going to unit meetings and participating in discussions and consensus/concurrence votes is enough? Or do you think being involved in one League activity and/or outreach event a year is enough? Or do you jump in and become fully involved in LWVFA's activities/events or heaven forbid – **become a board member?**

The League needs each and every one. I will admit we would like a healthy number of the last two types of members, but we are grateful for all. Still, I would like to remind everyone that your enjoyment of any area of your life is in direct ratio to what you put into that area.

Thanks for all you do for the League,
Janey

A Warm Welcome to Our New Members

We are delighted to welcome many new members to LWVFA. Our new local members are Judith Beattie and Kathleen Kelmelis of Vienna, Margaret Zebrowski of Alexandria, Fred Griffin of Springfield, Belinda Schwartz in Manassas, J.P. and Judith Villedrouin of Oak Hill, Therese Tuley of Fairfax Station, and Nancy Brach in Great Falls.

New national members in the Fairfax area are Julia Simmons of Alexandria, Julianna Bickus in Herndon, Roberta Kiver in Burke, Rachel Lilley of Burke, David Green in Great Falls, and Jim Kavanagh in Vienna.

Corrections

In the March 2010 study on the FCPS Elementary School Day, Dagmar Lending should have been included as a committee member.

Last month's VOTER headline for the Action column was incorrect and misleading. The column itself was correct, unlike the April 16 *Washington Post* article about the supervisors' plans for the tax rate to be voted on April 27. Currently the BOS budget committee plans to propose a 1.09 tax rate, which would be five cents above this year's rate but not result in higher basic property taxes for the average home. The Board had voted to consider rates as high as 1.12, but that would not amount to a 12 cent increase as the Post stated April 16.

McDevitt Receives Service Award From CAAB

Fairfax Leaguer Marcia McDevitt was presented with an engraved plaque for her years of service as the LWV's representative on the Community Action Advisory Board at the April CAAB meeting. At the meeting, Marcia showed the board another plaque with a clock she had received at the national Community Action Project conference. CAAB educates the local community, the Board of Supervisors and the Department of Family Services about the issues and concerns affecting the low-income population of Fairfax County.

LWVFA Fairfax VOTER 2009 - 2010

This newsletter, partially funded by the League of Women Voters of Fairfax Area Education Fund, is published 10 times each year - from September to June by:

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Subscriptions to the *Fairfax VOTER* are available to non-Fairfax League members for \$15 per annum. Send your check to the above address and request a subscription.

Please e-mail address corrections to the office
or call 703-658-9150

Turning Point Suffragist Memorial Committee Plans Meadowlark Gardens Fundraiser

Plans are in full gear for the second annual Silent Sentinel Award reception which will be held at Meadowlark Botanical Gardens in Vienna on Wednesday, May 12 from 7-10 pm. Helen Thomas, widely regarded as the dean of the Washington press corps and often called “the First Lady of the Press” will be honored for being a trailblazer for women’s equality. Thomas is receiving the Silent Sentinel Award in recognition



of her 50 years of pioneering leadership at the national level. She spent 57 years covering the White House for United Press International and now writes a column for Hearst Newspapers.

The Silent Sentinel Award honors an individual who exemplifies the traits of those women who made personal sacrifices to secure the 19th Amendment. It is awarded by the Turning Point Suffragist Memorial Committee, an all-volunteer group aligned with the Northern Virginia Regional Park Authority, which is dedicated to honoring the women suffragists who endured harsh imprisonment after picketing the White House in 1917 for the right to vote.

WUSA9-TV’s Peggy Fox will serve as Mistress of Ceremonies at the reception. Attendees will be able to bid on dozens of items at a silent auction. They will also be the first to see the conceptual plans for the Turning Point Suffragist Memorial, which will be located in the Northern Virginia Regional Park Authority’s Occoquan Park, across the street from the former site of the Occoquan Workhouse where the suffragists were held. The workhouse, which no longer exists, was part of the former District of Columbia Department of Corrections Facilities in Lorton.

Architect Bob Beach will share his memorial design which includes a walking path, gardens and interactive features. The goal is to have the memorial built by 2020, the 100th anniversary of the ratification of the 19th Amendment.

The LWVFA is a partner in the Turning Point Suffragist Memorial project. It is hoped that many members will attend the reception, become sponsors and/or donate to the silent auction. For more information on the event please go to the Turning Point Suffragist Memorial Web site: www.suffragistmemorial.org.

Individual ticket prices are \$75 per person, which includes wine and heavy hors d’oeuvres.

We are also looking for event sponsors, so please consider pledging support at one of the following levels:

- \$1,500 level: 8 tickets, website mention, hotlink to website, mentions in program, invitation, press release, newsletter and on signage at the event
- \$1,000 level: 6 tickets, website mention, hotlink to website, mentions in program, invitation, press release, newsletter and on signage at the event
- \$500 level: 4 tickets, mention in program and invitation
- \$250 level: 2 tickets, mention in program and invitation

Silent Auction items are also needed. More information is on the Event Web page:

<http://events.constantcontact.com/register/event?oeidk=a07e2thta4f903b7250>

Donations are tax deductible to the full extent allowed by law. We look forward to your participation in the efforts to build a memorial to the suffragists who provided the “turning point” in efforts to ratify the 19th Amendment allowing women the right to vote.



Looking for Members to Help . . .

Domestic Violence Committee Gears Up

By Barbara Nunes, Chair,
Domestic Violence Committee

The Domestic Violence Committee is gearing up. Lots has been happening in this area, and I hope some of you will join me to look into things. The most recent report from the DVPPPCC is printed below. Please contact me at 703-451-7238 or email bnunes@juno.com.

Trends – March 2010

Whether it is because of the economy or our concerted outreach efforts, the number of people attempting to access services has increased substantially:

- *Artemis House has been consistently full* - Artemis House (the County's only Domestic Violence shelter), with the capacity to serve 34 people, has been consistently full for over two years. It is interesting to note that since July of this year, those using the shelter have included three men and their children.
- *VAN has instituted a wait list.* – The Victims Assistance Network (VAN) has had to institute a wait list for counseling services. This is the first time the program has ever had to establish a waiting list for these services. Currently, there are over 100 people waiting for domestic and sexual violence and stalking counseling services. Twenty percent (20%) of those

seeking counseling services are men.

- *Calls to the VAN Hotline have increased* - Calls to the VAN hotline have increased by almost 30% from FY08 – FY09. First-time callers have increased by 65% during that same time period and data from the 1st quarter of this fiscal year indicate we may experience an even greater increase in FY10.
- *Many of our community's racial and ethnic minorities and those with limited English proficiency are accessing services in greater numbers.* –
 - We have seen a 650% increase in the number of people accessing our services who have limited English proficiency. In the last year, we have made a concerted effort to step up our overall outreach to the community, including outreach to residents who speak languages other than English.
 - Based on ethnicity, the Hispanic/Latino and African American population of Artemis House both rose by 33% during the 1st Quarter of FY2010 compared to the same period last fiscal year. There was a 127% increase in the Asian population and a 75% increase in the Hispanic/Latino population accessing services from VAN.

More and more children are being affected by Domestic and Sexual Violence. - The number of children admitted to Artemis House rose during the 1st Quarter of FY2010 by 44% compared to the same period last fiscal year, and by 28% comparing Fiscal years 2008 vs. 2009.

Census Posters Distributed by LWVFA

By O.G. Harper, Census Coordinator

Thomas D Cook, Partnership Specialist, U.S. Census Bureau has thanked the LWVFA “ for all your stellar efforts on behalf of the Bureau and to make the 2010 Census as successful as possible.”

All Fairfax Area units distributed Census posters and fact sheets and, when possible, talked to persons about the importance of completing the 2010 Census form. To those who feared a violation of privacy, League members emphasized the extraordinary confidentiality requirement for all information on Census forms, which has been protected since collection of information began in 1790. Unit members succeeded in placing 2010 Census materials in at least 92 places of business, churches, restaurants, grocery stores and other organizations that provide services to many

citizens, including hard-to-count persons in their own unit's neighborhoods and service areas.

Husband of former President Anne S. Kanter . . .

LWVFA Mourns the Loss of Arnie Kanter

The husband of LWVFA member and past President Anne S. Kanter passed away on April 10, 2010, at Johns Hopkins Hospital in Baltimore of acute myeloid leukemia. Arnie was first diagnosed with the disease in 2007. The Fairfax Area and Virginia Leagues mourn with Anne and their adult children, Clare and Noah, and send our sincerest condolences. Contributions in his memory can be made to either Clearbrook, www.clearbrook.org, or to the Leukemia-Lymphoma Society, Donor Services, P.O. Box 4072, Pittsfield, MA 01202 or www.leukemia.org. Taken from *The Washington Post*, April 14, 2010

Voter Registration: Is It Time for a Change in Virginia?

(The following material is only part of the “Part 1” study. LWVFA decided that with the amount of material involved and our VOTER space limitations it would be better to tackle the issues--and the consensus questions--in two sections. Other concerns surrounding the voter registration process including the determination of domicile and abode, will be presented next month. The election study committee is seeking more members to take on other election issues next year. They call it “the perfect task for the independent researcher” as members work online. They would especially like to encourage people who have served as election officers.)

VIRGINIA’S ELECTION LAWS: AN UPDATE

STUDY – Part 1

The League of Women Voters of Virginia’s May 2009 Convention adopted a two-year update study and review of its current positions on Virginia’s election laws. The first year of the study will look at voter registration, provisions for voting by military and overseas voters, and the governmental structure responsible for administering elections in the Commonwealth. During the second year, attention will be directed to the elections themselves.

Election Laws Committee:
Chris Faia, Mary Grace Lintz, Maggi Luca, Therese Martin, Shelly Tamres, Betsy Mayr (Chair) and Liz Brooke (Editor)

A true story from a member of the League of Women Voters of the Fairfax Area: Thirty-some odd years ago when I was in the LWVFA office answering the telephone during the week before Election Day, I got a call from a voter in a local jurisdiction (not Fairfax County or City) who wanted to know where to vote. . . . We didn’t have that information. I called the jurisdiction’s electoral board and asked my question. The response was: “We don’t give out that kind of information” . . . pause . . . “we only want quality voters, you know.”

Many of the topics covered by the 35-year-old study are no longer issues that need to be covered by this study since they are now moot. These include: “absentee registration” including postcard registration, which was effectively achieved by “Motor Voter”; durational residency requirements, which were eliminated in Virginia as elsewhere following the 1972 Supreme Court decision in *Dunn v. Blumstein*; and the limitation on registration due to the prevalent interpretation of Virginia’s constitutional prohibition of “solicitation of registrations,” which was clarified during the course of the 1973 study by decisions of the Virginia and U.S. Attorneys General.

Other topics covered by that study are issues still being discussed today. They include the systematic availability throughout Virginia of what was called “registration on demand” – that is, extended registration locations and times; and the uniform interpretation and application of Virginia’s constitutional requirement that registrants have both a domicile and abode. Both topics will be addressed in this study, as we consider the extent to which voter registration issues have been resolved – or maybe just changed – in Virginia.¹

VOTER REGISTRATION

INTRODUCTION

The current positions on voter registration of the League of Women Voters of Virginia (LWV-VA) were adopted following a League study that began in 1973. This was just two years after Virginia’s new Constitution eliminated the poll tax and literacy tests as requirements for registration and voting, although such provisions had already been voided by the U.S. Congress and Supreme Court decisions in the 1960s. As was noted in a chart that the LWV-VA study committee prepared for that study, changes in provisions affecting registration and voting in Virginia during the 1960-70 period reflected the Commonwealth’s seemingly grudging application of national laws and Supreme Court decisions that served to open registration and voting to all U.S. citizens.

WHY IS VOTER REGISTRATION REQUIRED? OR IS IT?

According to most observers, voter registration is used to control who votes, limiting eligibility to those eligible under federal and state law, and thus controls access to the polls on Election Day. It is also used for election management

and administration. In responding to a questionnaire in fall 2009, local Leagues in Virginia reported that registration was necessary to ensure that only people entitled to vote in a given jurisdiction can do so; that individuals vote only once; and for administrative purposes such as assigning voters to precincts, resource planning for election officials, voting machines needed, etc. However, while attention to voter **eligibility** has been an issue since the founding of the republic, voter **registration** itself has not received the same degree of attention.²

Voter Registration and the States

Not addressed in the Constitution, voter registration in the United States dates to the early 1800s, when states and localities began to use it to control access to voting. It was at first a reaction to the growing numbers of foreign-born residents, but the procedures adopted by individual states and localities also served to disenfranchise poor citizens. Around the beginning of the 20th century, registration policies and procedures were designed, especially in the South, to disenfranchise African-Americans.³ This was nowhere more true than in Virginia.

“Discrimination!” cried Carter Glass, a delegate at the [Virginia Constitutional] Convention [of 1902]. “Why that is precisely what we propose; that, exactly is what this convention was elected for – to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution with a view to the elimination of every Negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate.” As quoted in the Washington Post of May 2, 1965, and printed in the September 1973 LWV-VA study of Voter Registration in Virginia.

The patchwork of individual state and local registration laws and practices was not significantly addressed by federal legislation until the 1960s, with enactment of the Voting Rights Act. While there were individual state attempts to simplify voter registration over the next several decades, and legislation enacted affecting registration and voting of uniformed and overseas citizens, it was not until the 1990s that federal law established a modicum of uniformity for some elements of registration systems across the nation.

The 1993 National Voter Registration Act of 1993 (“Motor Voter”) requires states to give citizens the opportunity to register to vote: at the same time as they apply for or renew their driver’s license; at social services agencies; and by using mail-in forms, allowing individual voter registration drives. The Help America Vote Act (HAVA) of 2002 requires that each state develop and use a single, uniform, official, centralized, interactive, computerized statewide voter registration system to store and manage the lists of registered voters throughout the state. This database is used to ensure accurate voter registration lists for use at all elections. Another provision required new registrants to provide their driver’s license number or last four digits of their Social Security number with their registration application – or be given a unique identifier if the registrant had neither. Since Virginia already had a statewide system using Social Security numbers, it was grandfathered to allow the use of the entire Social Security number.

Implementation was left almost entirely in the hands of the states, which have great latitude in how they meet its minimum requirements. [Other provisions of HAVA affecting elections will be discussed in the next study.] Thus, for the most part, voter registration policies, procedures and administration continue to be left to each state to determine.

Voter Registration for the Military and Overseas Citizens

The Federal Voting Assistance Program: The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) was enacted by Congress in 1986 and amended by HAVA in 2002. It requires states and territories to allow certain groups of U. S. citizens to register and vote in elections for federal offices, including: members of the Uniformed Services (on active duty), members of the Merchant Marine, their eligible family members, and citizens residing outside the United States.

The Federal Voting Assistance Program (FVAP), part of the Department of Defense, administers UOCAVA and the National Voter Registration Act of 1993. FVAP states its goals as to “inform and educate U.S. citizens worldwide of their right to vote; foster voting participation; and protect the integrity of, and simultaneously enhance, the electoral process at Federal, State and local levels.” The procedures and deadlines, however, vary from state to state.

To register to vote or apply for an absentee ballot, a

person covered by UOCAVA fills out a Federal Post Card Application (FPCA). This application is accepted by all states and territories as the appropriate manner to register to vote and apply to vote absentee. It is postage paid in the U.S. mail, including the Military Postal System and the State Department mail pouch. An online version of the FPCA is available at the FVAP website (<http://www.fvap.gov/>). The online form must be completed, printed, signed, dated and mailed to the local election official, using an envelope with proper postage or the prepaid FVAP return envelope. (All states and territories except American Samoa and Guam accept the FPCA.) A UOCAVA voter may also send a written request to his or her local office of elections. To register in Virginia, the application must be received 22 days before Election Day. There are a few special exceptions made for military on active duty.

Information to apply to register or vote is available by going to the online Voting Assistance Guide, which outlines procedures of each state and territory and the addresses of where to send the forms and ballots. [The Virginia Code § 24.2-419-420.1 covers registration of UOCAVA voters.] Voting Assistance Officers are assigned to units at military installations. Each U.S. embassy or consulate and many U.S. citizen organizations overseas and corporate offices of U.S. companies have guides available.

Military and Overseas Voter Empowerment Act (MOVE): MOVE was enacted in October 2009 to protect the voting rights of deployed troops and other Americans overseas by requiring states to expedite the transmission of absentee ballots to provide more time for them to vote in federal elections. Its main provisions require states to: transmit absentee ballots at least 45 days prior to the election; allow for electronic request and transmittal of voter registration applications and absentee ballot applications; allow for electronic transmittal of blank (unvoted) absentee ballots; accept the Federal Write-in Absentee Ballot (FWAB) for all federal elections; and develop an online system that allows UOCAVA voters to confirm that their voted ballot has been received. The law also requires states to accept any otherwise valid voter registration, absentee ballot applications, or marked absentee ballot regardless of restrictions on types of paper and lack of notarization.⁴ Because of its (normal) June primary date and candidate filing deadline for federal general elections, Virginia was listed as one of the states best able to comply with MOVE timing requirements. Legislation enacted at the 2010 General Assembly session was designed to complete the changes needed for compliance.

VOTER REGISTRATION IN VIRGINIA

What is required to register? The Virginia Code (title 24.2, chapter 4) establishes the requirements to register to vote, which are:

- U.S. citizenship
- At least 18 years of age by the next general election
- Virginia residency
- Restored voting rights if previously convicted of a felony.

Each applicant to register must provide, *subject to felony penalties for making false statements pursuant to § 24.2-1016*, the information necessary to complete the application to register and, unless physically disabled, sign the application. The registration application must be on a form or forms prescribed by the State Board of Elections (SBE). The application requires the applicant to provide the following information: full name; gender; date of birth; Social Security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored. The form contains a statement that whoever votes more than once in any election in the same or different jurisdictions shall be guilty of a Class 6 felony. As of 2010, the registration deadline is 22 days before general and primary elections and 13 days before special elections.

In view of the prevalent notion that voter registration prevents fraud and provides a validation of a person's age, citizenship and residence, it is important to note that **applicants are not required to show identification to register**. In Virginia, an ID is necessary only "at the polls" and is not required to register; a voter's signature on the registration form attests to the fact that he or she is qualified to vote. During the recent General Assembly session, there was at least one proposal that identification be provided when registering to vote. While the proposal had little support, this was likely due in some part to the fact that such a step would be prohibitively expensive to implement, inefficient and probably end up in court. See Appendix A or http://www.sbe.virginia.gov/cms/documents/VoterRegistration/sbe_voter_app_DOJ-Printed.pdf for a copy of the registration form.

How Available Is Registration? It is in this area, especially, that there has been a major change since the

1970s, due, at least in part, to enactment of Motor Voter in 1993. Voter registration can now be done either in person or by mail. Persons eligible to register can obtain a registration application online at the SBE website or at any of the following locations: SBE and local voter registration offices; state or local government offices when applying or recertifying for Aid to Dependent Children, Food Stamps, WIC, Medicaid, or Rehabilitation Services; government offices in the state that provide state-funded programs primarily engaged in providing services to person with disabilities; armed forces recruitment offices; public libraries; Department of Motor Vehicles (DMV) offices; and at voter registration drives. The completed application can be filed with the local registration office or mailed to the address printed on the form.

Because of the widespread availability of voter registration and forms that can be mailed in, the fact that some local election offices in less populous areas are not open five days a week has little effect on whether there is equal opportunity to register throughout Virginia. As part of the preparation for this study, local Leagues were asked to respond to questions about voter registration in their area. All responding Leagues reported that ease of registration is not a major issue. Leagues noted the availability of registration forms in libraries and at other government offices and via the Internet, plus the willingness of registrars to accommodate easy registration.

However, some Leagues mentioned ways in which registration could be made easier. Online registration, on-site registration at the polls on Election Day and a shorter time period between the last date for registering and Election Day were mentioned by three Leagues. Other comments dealt with potential complications. One League reported that many people using the DMV website for address change believed that they also changed their voter registration when the DMV address change was submitted. Another reported the need to stress that applications must be fully completed. Being housebound or not able to use the Internet were also mentioned as deterrents to registration.

OTHER VOTER REGISTRATION SYSTEMS⁵

Voter registration in some states differs from that of Virginia in several ways.

No Voter Registration. The greatest difference from that of Virginia is found in North Dakota, which has no voter registration requirement. Voter registration, which had existed since the 1800s, was abolished in 1951. As noted by North Dakota's Secretary of State Alvin Jaeger, "The state has developed and maintains a central voter file based on input from the state's Department of Transportation, with additional information and updates provided by other state and local agencies, including the poll books used on Election Day. This file appears to replicate somewhat the poll books used in Virginia. According to Jaeger, there

"North Dakota is a rural state and its communities maintain close ties and networks. . . . [Its] system of voting, and lack of voter registration, is rooted in its rural character by providing small precincts. Establishing relatively small precincts is intended to ensure that election boards know the voters who come to the polls to vote on Election Day and can easily detect those who should not be voting in the precinct."⁶

have been no widespread incidents of voter fraud in the state. He indicates, however, that there is a possibility for change in the system if the state's rural character diminishes and precincts grow larger.

Election Day Voter Registration.⁷ Election Day Registration (EDR), also known as Same Day Registration, allows voters to register and vote on the same day. Nine states currently allow EDR: Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin and Wyoming. In North Carolina, EDR is allowed only during a "One Stop Absentee Voting" period that extends from 19 to three days before Election Day and must take place at a one-stop voting site. The applicant provides identification and proof of residency, registers, and votes at the same time and location. In Montana and Wyoming, EDR must take place at central elections offices, not at the polling places.

While the provisions governing EDR vary from state to state, registration on Election Day is generally more stringent and demands a higher level of identification than pre-election day registration, thus reducing the possibility of fraud. As an LWV Texas study notes, Iowa addressed the potential for fraud when adopting EDR by requiring that the citizen appear in person, be determined eligible, provide proof of identity, provide proof of residence in the precinct, complete and sign a voter registration form, and complete and sign an oath of "person registering to vote on Election Day."

Those supporting EDR claim that it has been responsible for resulting in higher voter turnout in those states that have adopted it and point to Minnesota as the prime example. Minnesota has used EDR for 34 years and always has a higher turnout than other states (78 percent in the 2008 presidential election). Senator Feingold has made basically the same claims for Wisconsin.⁸ It has proved to be especially beneficial to those who become enthusiastic about the elections late in the campaigns and for young people and others who move frequently.

Although opponents of EDR claim that it encourages fraud, a study of election systems in five Midwestern states showed that “there is no evidence that this is the case. Consistent with other research on the topic, [it found] no reason to believe that voter fraud is more common in EDR states than in other states.”⁹

League leaders in states using EDR who responded to our inquiries (Wisconsin, Idaho, Minnesota, Iowa, Maine) universally supported EDR and stated that they found no evidence that it resulted in either fraud or long lines at the polls. The Montana League’s HAVA representative stated that the long lines in that state’s 2006 elections were due to a lack of preparation and actually proved that EDR was serving its intended purpose of increasing voter turnout.¹⁰

Since Iowa and North Carolina’s adoption of EDR in 2007, at least 25 state legislatures have considered but not enacted EDR. Prospects for adoption by other states appear bleak. Most attribute this to partisan politics. “While the correlation between party preference and EDR is not always present, searches across the country looking at bills to expand or restrict registration procedures closer to or on Election Day show some patterns. Republican lawmakers have sought to restrict efforts to introduce EDR or roll back existing rules allowing it; Democrats have sought to increase EDR in states and oppose measures to curtail its use in states that allow it.”¹¹

The committee was unable to find any bill proposed by Virginia legislators that would provide for the implementation of EDR in Virginia, and local electoral board members and registrars we contacted do not believe that it will happen any time soon, though limiting EDR to central offices may be more feasible than allowing it at precinct polling places. They noted that all jurisdictions must first begin using electronic poll books and that Virginia’s restrictions on convicted felons’ voting rights would make it difficult to implement.

Online Voter Registration. Nine states already or will soon have online voter registration:¹²

<u>State</u>	<u>Year Enacted</u>	<u>Year (to be) Implemented</u>
Arizona	2002	2003
California	2008	2010
Colorado	2009	2010
Indiana	2009	2010
Kansas	Based on 3 recent laws	2009
Louisiana	2009	2010
Oregon	2009	2010
Utah	2009	TBD; not set by the law
Washington	2007	2008

As seen in the chart above, many states will be implementing online voter registration for the first time in 2010. Many factors have contributed to the recent addition of so many states to the list of those using online registration: technology that allows it, with little chance of fraud; the positive experience of the states that currently use it; and the need to save money. In 2009, several state legislatures turned down proposals to implement online voter registration, while others have carried the issue over for 2010 legislative consideration.

Arizona was the first state to use online voter registration and reports that over 70 percent of the registrations now come in online and it has proved to be faster, easier and reduced errors. The former Secretary of State and now Governor Jan Brewer noted that the state’s EZ voter system delivers a “secure, convenient and efficient way for citizens to register and participate.” The state also reports cost savings by eliminating the data entry process for state and county employees that a paper-based system required, as well as increased accuracy. In Maricopa County, Ariz., it cost 83 cents to process a paper registration form compared with an average of 3 cents for a registration completed online and data-matched against the DMV database.¹³ A fact sheet prepared by New Era Colorado (a nonprofit organization reinventing politics for the millennial generation) for that state’s online registration campaign, noted that it saves time and money, prevents common errors made on paper forms, increases accessibility for many underrepresented demographics, reduces reliance on voter registration drives and is secure; and there is a strong demand for it.

However, there are two conditions required to make it work: statewide lists and electronic signatures.

In its testimony to the Oregon legislature, the LWV of Oregon noted that the easy access to voter registration provided by electronic voter registration “will improve voter registration efforts, particularly among young people, and will be even more secure than the current paper system.”¹⁴ While some believe that the system is not secure and is open to fraud, there has been no evidence of this according to studies and the states using it.¹⁵ **It is important to note that in all state programs to date, online registration is available only to those who have state-issued driver’s licenses or other identifications, and electronic signatures already in the state system.**

During the 2009 session of the Virginia General Assembly, Delegate David Poisson, of Loudoun County, introduced House Bill 1607, which would have permitted online voter registration for those who possess a valid driver’s license or identification cards issued by the DMV. The bill was left in the House Privileges & Elections Committee. The impact statement associated with the bill suggested that its implementation, if enacted, be delayed until 2010 to allow the DMV to complete the re-engineering of the driver’s license process that would enable it to share electronic signatures with the SBE. No such proposal was introduced during the 2010 session, and it appears that the new DMV system is not yet operational. It has been reported that the DMV eventually wants to have an online voter registration system, with the applications being electronically transmitted to the SBE and general registrars. Introduction of online registration would require a change in the Virginia law requiring an original signature for registration.

The 2010-12 Strategic Plan of the Virginia State Board of Elections states that budget cuts, scarce resources and increasing public demand will require it to come up with new and more efficient service delivery mechanisms. “To address these factors, [SBE] will take advantage of the opportunities that exist because of the popularity of Internet technologies to deliver high-demand services to Virginia citizens. . . . Developing online services, such as online voter registration and online change of address . . . promises to increase public access and convenience, as well as increase efficiencies in delivery of these services. “ The plan goes on to say, however, that security issues and the fact that Virginia law does not explicitly permit the use of electronic or digital signatures in voter registration hinders its efforts to efficiently provide more services online.¹⁶

Voter Registration Modernization (VRM). The Aug. 31, 2009, *Washington Post* carried the news that “Partisan Rivals Unite to Modernize Voter Registration System.” A thirteen-member Committee to Modernize Voter Registration signed on to a statement that the country’s voter registration system needs an upgrade, is costly, inefficient and unreliable, overwhelming election officials with needless paperwork and expense and blocking millions of eligible Americans from exercising their fundamental right to vote.¹⁷

Spearheaded by the Pew Center on the States and the Brennan Center for Justice, the VRM is basically an umbrella effort with four central features:

- **Automatic registration:** State election officials automatically register consenting eligible citizens by electronically transmitting reliable information from other government lists.
- **Portability:** Once an eligible citizen is on a state’s voter rolls, she remains registered and her records move with her so long as she continues to reside in that state.
- **Safety Net:** Eligible citizens can correct errors on the voter rolls before and on Election Day.
- **Online Access:** Voters can register, check and update their registration records through a secure and accessible online portal. (*See BrennanCenter.org*)

According to the VRM proponents, the building blocks of a modernized system are already in place and its components are already being used successfully in various states, which have saved money in doing so. The most important step in the growing adoption of VRM was enactment of HAVA in 2002, requiring a statewide voter registration database capable of sharing information in some form with other government databases.¹⁸

In addition to the registration procedures of EDR and online registration discussed above, eight states (Florida, Delaware, Oregon, Maryland, Ohio, Colorado, Washington and South Dakota) have in place some system of permanent registration. Delaware is also one of nine states that have initiated electronic voter registration systems whereby citizens can initiate or update voter registration information at the same time as they obtain or make changes to their driver’s license or identification card using an automated system.¹⁹ Both Minnesota and Oregon automatically update registration records of voters who have moved within the state when the postal service processes changes of address for these registrants. Although it was vetoed

by the governor, the Minnesota legislature approved a bill (HF 1053) during its 2009 session that would automatically register to vote applicants for state driver’s licenses or identification cards.

Virginia joins the list of states that have adopted aspects of VRM, being one of 13 states that are introducing electronic poll books in at least part of the state and one of 34 states that enable voters to look up their registration information online. As many states are attempting to cut costs while correcting weaknesses in voter registration systems and procedures, the list of states adopting aspects of VRM is changing as this is being written in early 2010. It is also likely that many will apply changes required by MOVE to their general population and state and local elections.

The VRM proposal to implement a voter registration system that automatically puts eligible voters onto the voter rolls and updates existing voter records by using data in existing governmental databases would put the onus for registering on the state rather than the individual. Information on this proposal is available from the Pew Center on the States and the Brennan Center for Justice.

While changes in the way that U.S. citizens register to vote are occurring with growing frequency, the system remains a collection of 50 individual systems. There continue to be proposals in Congress to require VRM measures such as online voter registration on a national basis, but their chances of enactment are unpredictable at this time.

Endnotes and Sources

1. For additional information, see Public Policy Positions (2009) at www.LWV-VA.org.
2. See especially "Voter Registration: Past, Present and Future," testimony prepared by R. Michael Alvarez for the Commission on Federal Election Reform, June 17, 2005; and "Voter Registration Systems," a paper prepared by Eric A Fischer and Kevin J Coleman of the Congressional Research Service of the Library of Congress, for a conference at American University, March 22, 2006.
3. See www.fairvote.org/history-of-voter-registration for an article by Alexander Keyssar.
4. See materials on this topic published by the Brennan Center for Justice, www.brennancenter.org, and the Pew Center on the States, www.pewcenteronthestates.org.
5. Ibid.
6. See www.state.nd.gov/sos. There is an interesting video of polling place registration on this site.
7. The League of Women Voters of Texas has completed a study of elections and voting, including Election Day registration (EDR). See the League’s website, www.LWVTexas.org, to read the study materials and a list of pros and cons for EDR.

8. <http://feingold.senate.gov/releases/08/05/20080501.html>
9. See "From Registration to Recounts: The Election Ecosystems of Five Midwestern States," a project of Election Law @ Moritz at the Ohio State University Moritz College of Law.
10. See "Election-Day Registration: A Case Study," at www.electionline.org, a project of the University of Richmond supported by the Pew Charitable Trusts.
11. "From Registration to Recounts: The Election Ecosystems of Five Midwestern States," a project of Election Law @ Moritz at the Ohio State University Moritz College of Law.
12. Information from the National Conference of State Legislatures, www.ncsl.org, and e-mails to Therese Martin from contacts and officers in Arizona, Kansas, and Washington.
13. Press release from Arizona Secretary of State, October 7, 2008, and reports from the National Conference of State Legislatures and the Pew Center on the States
14. See www.lwvor.org/testimony.htm
15. See, for example, the Washington State website, www.sos.wa.gov.
16. Virginia State Board of Elections Strategic Plan for 2010-12, <http://vaperforms.virginia.gov/agencylevel/stratplan/spreport.cfm?AgencyCode=132>
17. See the Committee to Modernize Voter Registration, www.modernizeregistration.org.
18. Brennan Center for Justice
19. Testimony of Adam Skaggs of the Brennan Center for Justice before the Illinois House of Representatives Elections Committee, 2009, and a February 23, 2009 press release from

**VIRGINIA’S ELECTION LAWS
STUDY: GLOSSARY**

- EAC Election Assistance Commission, created to assist in the administration of federal elections.
- EDR Election Day Registration, also called Same Day Registration
- FPCA Federal Post Card Application
- FVAP Federal Voting Assistance Program
- FWAB Federal Write-In Absentee Ballot
- HAVA Help America Vote Act of 2002
- MOVEMilitary and Overseas Voter Empowerment Act of 2009
- SBE State Board of Elections
- UOCAVA Uniformed and Overseas Citizens Absentee Voting Act of 1986
- VERIS Virginia Election and Registration System
- VRM Voter Registration Modernization

Appendix - A

Virginia Voter Registration Application Form

→ Use this form to register to vote in Virginia or report a change in name or address. If you are already registered with your current name and address, you do not need to re-register.

To register to vote in Virginia, you must:

- Be a **United States citizen**
- Be a **resident of Virginia**
- Be **18 years old by the next general election**
- Have **had your voting rights restored** if you have ever been convicted of a felony
- Have **had your capacity restored** if you have ever been declared mentally incapacitated in a Circuit Court

→ **Starred (*) items are required.** If you do not complete all of the items that are marked with *, your application may be denied. Once your local registrar approves your application, you will receive a voter card **by mail**.

Privacy Act Notice: This form requires your social security number for identification and to prevent fraud. Your application will be denied if you fail to provide your social security number or any other information necessary to determine your qualification to vote. Federal law (the Privacy Act and Help America Vote Act) and state law (the Virginia Constitution, Article II, § 2, Title 24.2 of the Code of Virginia and the Government Data Collection and Dissemination Practices Act) authorize collecting this information and restrict its use to official purposes only.

WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500.

1 *Are you a citizen of the United States of America? <input type="checkbox"/> YES <input type="checkbox"/> NO	*Will you be at least 18 years of age on or before the next General Election day? <input type="checkbox"/> YES <input type="checkbox"/> NO	If you checked "NO" in response to either of these questions, do not complete this form.
2 <input type="text"/> - <input type="text"/> - <input type="text"/> *Social Security Number	<input type="checkbox"/> Male <input type="checkbox"/> Female *Gender	<input type="text"/> / <input type="text"/> / <input type="text"/> *Date of Birth
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> *Last Name	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> *First Name	<input type="text"/> - <input type="text"/> - <input type="text"/> Daytime Telephone Number
<input type="checkbox"/> None <input type="checkbox"/> None		<input type="checkbox"/> None <input type="checkbox"/> None
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> *Full Middle or Maiden Name		<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> *Suffix (Jr., Sr., III, Etc.)

3 *Residence (Permanent) Home Address Apt/Unit/Lot/Rm/Ste City/Town Zip Code

If Rural Address or Homeless, please describe where you reside E-mail address

Mailing Address (if different) Virginia P.O.Box or Uniformed Service Address, City or County
if applicable (include Zip Code) Name of City or County of Residence

4 *Have you ever been convicted of a felony? YES NO State where convicted
If YES, have your voting rights been restored? YES NO If YES, when restored?

5 *Have you ever been judged mentally incapacitated? YES NO
If YES, has court restored you to capacity? YES NO If YES, when restored?

6 **Registration Statement:** I swear/affirm, under felony penalty for making willfully false material statements or entries, that the information provided on this form is true. I authorize the cancellation (entered in Box 7 below) of my current registration and I have read the Privacy Act Notice on the front of this form.

→ *Signature (or mark if unable to sign)

If applicant is unable to sign due to a physical disability, write the name/address of person who assisted. (Required). Check/describe if you have a disability that requires accommodation in order to vote.

I'm interested in being an Election Official on Election Day. Please send me information. You may request that your home address not be released if you (a) are active or retired law enforcement, or (b) have been granted a protective court order, or (c) are in fear of your personal safety from someone who has threatened or stalked you and have filed a complaint against that person with a magistrate or law enforcement (must attach copy of complaint). You must show a Virginia P.O. box under mailing address in Box 3 above. Law Enforcement Protective Order Threatened/Stalked

7 Commonwealth of Virginia - *Previous Voter Registration Information

No, I am not currently registered to vote in Virginia or another state.

Yes, I am registered to vote at another address in Virginia or in another state. If YES, the information below must be completed:

/ /
Full Name as Registered Date of Birth Social Security Number (last 4 digits required)

Address at which you were previously registered to vote City/Town State Zip Code

City/County/Town of Residence (if applicable). This cancellation information will be sent to the county or city and state you entered above.

Consensus Questions for May Voter Registration Study

(Please note that the questions are numbered per the original study. LWVFA decided to split it into two parts.) Members who cannot attend a unit may send in a response to Lois Page, loismpage@cox.net

1. Do you approve the following overall statement (taken from League of Women Voters principles) for the League of Women Voters of Virginia position on election laws?

The League of Women Voters of Virginia believes that democratic government depends on the informed and active participation of its citizens; that voting is a right and responsibility; and that election laws, regulations, and administrative procedures should be designed and uniformly applied, with adequate funding available, to facilitate and increase voter participation throughout Virginia.

Yes _____

Yes, with changes _____

3. Please respond yes or no to each of the following and explain if necessary. Do you believe that voter registration is necessary to:
 - Facilitate the voting process _____
 - Prevent voter fraud _____
 - Other: _____
4. Do you believe that voter registration as carried out in Virginia affects voter turnout?
5. Which of the following voter registration measures would you support to increase voter participation in Virginia? (you may select more than one)
 - a. No voter registration
 - b. Same (election) day registration
 - At the county/city central elections office
 - At the precinct polling place
 - c. Decreased time between the registration deadline and election day
 - d. Online registration
 - e. Statutory requirements that election officials carry out a vigorous voter registration program covering all eligible Virginia citizens
 - f. Universal voter registration of all Virginia residents who are U.S. citizens upon their 18th birthday
 - g. Other:

Elementary Schedules Study May Lead to Position Changes . . .

Agreement Reached on Need for Prioritizing All Day Kindergarten

By Lois Page, LWVFA Program Chair

March's consensus units on Fairfax County Public School's elementary schedules may lead to the addition of a few positions on school scheduling to LWVFA's "Here We Stand." Not all the consensus questions, however, resulted in clear-cut results. The Board will vote to approve any changes at its April 21 meeting.

The units unanimously agreed that full day kindergarten should be a priority for all elementary schools to the extent allowed by the budget. Fairfax Day mentioned that not only money but space might be a challenge. Greenspring unit felt that pre-kindergarten should be available in some cases and Vienna Evening thought that parents should have the option of full day or half day.

Nearly unanimous agreement occurred on the issue of allowing at least a 20 minute recess (10 units, 83 people). Chantilly Herndon pointed out that this is another financial issue as it might require a longer school day. Reston Evening cautioned that a longer recess must be combined with a strong and enforced anti-bullying policy.

Most units felt that not enough time is allowed for physical education in elementary schools (7 versus 4 with one alternative suggestion—66 people versus 22). Chantilly Herndon thought PE should be a core subject with perhaps art and music integrated into other subjects. Fairfax Day noted that increased PE might require an extension of the school day. Greenspring suggested that recess time and physical education could be combined.

Another area of agreement was reached, with a number of qualifications, on the subject of eliminating the Monday early dismissal. Most units agreed (9 of 13, 61 of 95 people) but a number of them, including those opposed, held out concern for teacher planning time—"must accommodate planning time for teachers," "early Monday is beneficial to teacher planning." One unit that disagreed felt "it is not our job to oversee school schedules."

Other comments on early dismissal: Greenspring reported mixed feelings on this: "We like the idea of teachers meeting together since otherwise they are rather isolated. We agree that teachers should have planning time...are lunch time meetings productive?...When resource teachers provide breaks for a classroom teacher, is this adequate for planning time?" Springfield could not reach consensus because of pros and cons: shortened day is a stressor for

working parents, but some children benefit from the time for music lessons, doctors appointments and sports. Mondays may be "inefficient" days, but planning and meeting time for teachers is important.

As for the questions about uniform schedules including length of day, number of hours per week, number of hours on core and non-core subjects, most units leaned toward allowing local flexibility to meet the specific needs of neighborhoods. They felt (9 to 4) that more hours don't necessarily make a difference in performance, that more hours don't guarantee a better use of time, that quality is more important than additional time. Fairfax Station felt that there should be a "re-ordering by the school board and administration of all priorities to require mastery of core subjects by third grade."

Units were about evenly divided on the subject of the need for more instructional time in the school day (28 yes, 37 no, 23 no consensus). Comments on this are important. McLean and Fairfax Day said it would be better to increase the school year, even have year-round school. Reston Day said more data would be needed to determine if this would bring about positive results, and Reston Evening felt that there was not enough instructional hours for many reasons, including too much time spent on SOL drill.

Regarding the need for consistency of time spent on core and non-core subjects throughout all the schools in the division, more said no (8 - 64 people) than yes (5 - 31 people). Again respondents felt that needs varied within communities so that flexibility is required. Vienna Evening suggested consistent minimum hours but not maximum. Even those units who felt the need for consistency mentioned the need for "discretionary flexibility within limits." Fairfax Station suggested consistency within pyramids (area groupings of elementary, middle and high schools).

Among the final comments is some food for thought. Fairfax Day said, "Schools cannot do everything. They seem to be taking over the job of parents, teaching consideration, civility, how to get along, etc. Therefore there is less time for core subjects. However, it was the consensus of the group that the League's job was not to advise on the minutiae of the school day but rather to concentrate on larger issues of policy, such as budget cuts, fairness in distribution of resources, or a national standard of education." Greenspring concluded: "It is still more important to have good teachers."

This Month's Unit Meeting Locations – Topic: Vote Registration: Time to Change?

Members and visitors are encouraged to attend any meeting convenient for them, including the “At Large Meeting” and briefing on Saturdays when a briefing is listed. As of April 16, 2010, the locations were correct; please use phone numbers to verify sites and advise of your intent to attend. Some meetings at restaurants may need reservations.

Saturday, May 8

10:00 a.m. At-Large Unit And Briefing

Packard Center
4026 Hummer Rd
Annandale 22003
Contact: Lois, 703-690-0908

Monday, MAY 10

1:30 p.m. Greenspring (GSP)

Hunters Crossing Classroom
Spring Village Drive
Springfield 22150
Contact: Kay, 703-644-2670

Tuesday, May 11

8:00 p.m. Vienna Evening (VE)

Patrick Henry Public Library
101 Maple Ave
Vienna 22180
Contact: Anne, 703-938-7304

Wednesday, May 12

10:30 a.m. McLean (MCL)

Star Nut Gourmet
1445 Laughlin Ave.
McLean 22101
Contact: Gail, 703-356-2851

9:30 a.m. Mt. Vernon Day (MVD)

Mt. Vernon District Gov. Center
2511 Parkers Lane
Alexandria 22306
Contact: Gail, 703-360-6561

10:00 a.m. Fairfax Station (FXS)

Burke Centre Library
5935 Fred's Oak Rd.
Burke Centre 22015
Contact: Lois, 703-690-0908

12:00 noon Chantilly/Herndon (CHD)

Sully District Governmental Ctr.
4900 Stonecroft Blvd.
Centreville 20151
Contact: Susan, 703-780-3902

6:15 p.m. Dinner Unit (DU)

Yen Cheng Restaurant
Main Street Center
9992 Main Street, Fairfax 22030
Contact: Tin, 703-207-4669

7:30 p.m. Reston Evening (RE)

Reston Art Gallery at Heron House
Lake Anne Village Center,
Reston 20190
Contact: Lucy, 703-757-5893

Thursday, May 13

9:00 a.m. Reston Day (RD)

11037 Saffold Way
Reston 20190
Contact: Barbara (703) 437-0795

9:30 a.m. Fairfax City Day (FXD)

4929 Gainsborough Dr.
Fairfax 22032
Contact: Joan, 703-978-8715

9:30 a.m. Springfield (SPF)

Packard Center (Lg. Conf. Rm)
4026 Hummer Rd
Annandale 22003
Contact: Nancy, 703-256-6570
or Peg, 703-256-9420

7:45 p.m. Mt. Vernon Evening (MVE)

Paul Spring Retirement Community
Mt Vernon Room
7116 Fort Hunt Road
Alexandria 22307
Contact: Kay, 703-765-7104

June Meetings:

Second Section on Voter Registration



The League of Women Voters of the Fairfax Area (LWVFA)
 4026 Hummer Road, Suite #214 Annandale, VA 22003-2403
 703-658-9150. Web address: www.lwv-fairfax.org

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 May, 2010**

**Jane E. George, President
 Ron Page, Editor
 Liz Brooke, Coordinator**

The League of Women Voters is a nonpartisan political organization that encourages the public to play an informed and active role in government. At the local, state, regional and national levels, the League works to influence public policy through education and advocacy. Any citizen of voting age, male or female, may become a member.

LWVFA MEMBERSHIP APPLICATION
 (Dues year is July 1 through June 30. Current dues year ends June 30, 2011.)

Membership Category: Individual \$65 ____; Household (2 persons–1 VOTER) \$90 __; Donation \$ ____
 Student \$32.50 ____; (Coll. Attending _____)

Membership is: New ____; Renewal ____; Reinstate ____; Subsidy Requested ____
 We value membership. A subsidy fund is available, check block above and include whatever you can afford.

Dues are not tax deductible. Tax-deductible donations must be written on a separate check payable to LWVFA Ed. Fund.

Please Print Clearly!

Name _____ Unit _____

Address _____

City _____ State _____ Zip + 4 _____

Phone (H) _____ (W) _____ E-Mail _____

Thank you for checking off your interests:

<input type="checkbox"/> County Govt	<input type="checkbox"/> Voting Procedures	<input type="checkbox"/> Health Care	<input type="checkbox"/> Schools
<input type="checkbox"/> Fiscal	<input type="checkbox"/> Environmental Quality	<input type="checkbox"/> Human Services	<input type="checkbox"/> Other (Specify)
<input type="checkbox"/> Public Libraries	<input type="checkbox"/> Land Use Planning	<input type="checkbox"/> Judicial Systems	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Water	<input type="checkbox"/> Juvenile Problems	

Mail to: LWVFA, 4026 Hummer Road, Suite 214, Annandale, VA 22003