

## How Companies can get Politically Active without Breaking the Law

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From taking a stance on issues ranging from Charlottesville to the immigration crisis, companies are getting politically engaged like never before. But they need to be careful to hew closely to the morass of federal campaign finance laws that govern this sort of activity.

It's time to throw out the maxim that politics is a third rail for corporations. With the 2020 election underway, brands are harnessing opportunities to reach customers and engage employees by having a political voice—and they're doing it legally.

The new trend started on August 16, 2017. Two of President Trump's business advisory councils abruptly disbanded following public remarks by the President addressing the 2017 protests in Charlottesville, Virginia. Two weeks later, hundreds of business leaders signed an open letter to President Trump and Congress to voice their concern about the administration's policy toward DACA recipients. Fast-forward one year to the 2018 midterm elections, and the unprecedented—and nearly unthinkable—happened when Patagonia used its corporate brand and financial resources to endorse two candidates for the U.S. Senate.

These moves represent an unexpected, but perhaps inevitable, foray into politics by corporate America. Once seen as too divisive for the C-suite's comfort, social and political intervention may be unavoidable as the high-stakes 2020 election approaches. Studies show that an overwhelming majority of millennial workers expect their employers to take a stand on social issues. And the sharp increase in grassroots political donations suggests that a critical mass of consumers and employees sees politics as an investment opportunity—and these people expect the brands they associate with to share their investment strategy.

Even in a post-Citizens United world, however, there are legal constraints on how, when, and where corporations can voice political views. While the Supreme Court has largely given corporations a blank check to engage in “issue advocacy”—ads and activities that tackle policy issues without identifying or supporting a candidate—corporations are barred from giving contributions directly to federal candidates. The ban on corporate contributions includes not just monetary contributions but also “in-kind” contributions made in coordination with a candidate's campaign. This means that any time a corporation wants to host a candidate's fundraiser in its office, let a candidate email its employee or customer list, or even provide free or discounted goods or services to certain candidates, the corporation must hew closely to the morass of federal campaign finance laws that govern this sort of activity.

And campaign finance law is indeed a mess of contradictions that only a lawyer could love. (As Justice Scalia once quipped, “campaign finance law is so intricate that I can't figure it out.”) A politically active corporation needs to know that it can endorse a particular candidate on its website or its social media accounts without penalty but that it has committed a campaign finance violation as soon as it puts money toward targeting or promoting those same online communications. A company can allow a candidate to utilize corporate office space, catering services, and employee time if the campaign pays fair market value for those resources in

advance but not if the company bills the campaign after the fact and expects payment within the customary 30 days.

Perhaps most significantly, if a corporation funds a series of TV or digital ads endorsing a candidate and does so independently of any interaction with that candidate, it is afforded the protection of *Citizens United* and the cases that followed in the wake of that landmark decision. But if a corporation funds those same ads in coordination with the candidate (as “coordination” is defined by the Federal Election Commission’s 2,600-plus-word rule defining that all-important term), the company could face fines greater than the cost of the ads themselves.

Other forms of corporate political activity are more traditional and less risky, but they represent missed opportunities that corporations looking to have a civic voice too often overlook. Companies can, for example, establish a corporate political action committee (PAC) to legally contribute to candidates, operate nonpartisan voter registration drives, or sponsor candidate debates by following a set of rules that are relatively straightforward and accessible.

Those companies looking to attract customers and engage employees at the next level have a choice: they can view campaign finance law as a barrier to political intervention, or they can recognize the law as one tool in the company’s overall tool kit for business success. There is little chance of avoiding the wave of change descending on brands, which face increasing demands to reflect the views of their stakeholders—and not just their shareholders. Today, the few companies already able to wield political intervention as a sword are seen as innovative, risk-taking trendsetters. By the time the 2020 election is over, those companies still hiding behind campaign finance law as a shield may well find themselves with approval ratings similar to those of the candidates who are packing up their offices and heading home from Washington.

# Campaigns & Elections

## WHAT CAMPAIGN FINANCE ENFORCEMENT COULD LOOK LIKE IN 2020

Dec. 31, 2019 | By: Sean J. Miller

Campaign finance enforcement ended the decade in a flurry.

This was the year when Michael Cohen, President Trump's former personal attorney, reported to federal prison for campaign finance violations. Kentucky Democratic consultant Dale Emmons was found [guilty](#) of six felony counts of making illegal campaign contributions.

Maryland GOP consultant Kelley Rogers pleaded guilty to a charge related to his vast scam PAC operation. Longtime scam PAC treasurer Scott Mackenzie was also busted in the same case. He pleaded guilty to one count of making a false statement to the FEC.

This was the work of the Justice Department, which in the last 12 months also [successfully prosecuted](#) GOP Rep. Duncan Hunter (R-Calif.) for campaign finance violations, in addition to bringing major straw donor cases and getting Imaad Zuberi, who gave [nearly \\$1 million](#) to Trump's inaugural committee, to plead guilty to campaign finance violations.

During all of this, the FEC [lost its quorum](#), which raises questions for what enforcement could look like in 2020.

"The takeaway that I'll always give to clients is that even before the FEC lost a quorum, the Department of Justice has really been watching this space more closely than they have in a very long time," said David Mitrani, a senior associate at Sandler Reiff Lamb Rosenstein & Birkenstock, P.C.

As a result, campaign finance attorneys like Mitrani are working to guard clients against violations at a more granular level. "Things that might not have entered into our heads to flag for clients are right at the forefront," he said. "The well-prepared candidate has not only counsel but also a compliance firm, in addition to that."

Michael Toner, a former chairman of the FEC, agrees that the Justice Department and the rank-and-file U.S. attorney offices are much more focused on public corruption.

The tools they're using, he noted, are the mail and wire fraud statutes. Moreover, prosecutors are also targeting practitioners more for coordination between campaigns and PACs.

"We're seeing cases being brought in this area that we didn't see five or 10 years ago," said Toner, a partner at Wiley Rein LLP.

Next year could see even more enforcement as campaign ad spending is [expected to hit](#) some \$10 billion — while the FEC could still be without a quorum. “That creates a lot more opportunities for mischief,” said Toner. “I think some political operatives make the assumption that if the FEC is not going to come after me, then I can do whatever I want.”

But in the absence of a fully functioning FEC, the Justice Department has stepped up. “You’ve got to be careful,” said Toner.

He pointed to two areas that practitioners should concentrate on: accuracy in fundraising appeals — “When you say you’re raising money to do something politically, that you actually do what you say you’re doing” — and having due diligence systems in place to verify contributions are coming from U.S. citizens.

“There’s no excuse for not being on top of this,” he said, adding that he anticipates the FEC reestablishes a quorum in 2020.

But Mitrani notes that even if the quorum is reestablished, the FEC will likely be unable to provide advisory opinions or enforcement in a timely manner. “The FEC is not going to get around to them until 2022 [or] 2023,” said Mitrani.

FEC Chairwoman Ellen L. Weintraub, in a [Dec. 20 letter](#) urging the president and Senate to fill the commission’s three vacancies, conceded as much.

“The FEC can pursue respondents civilly anytime for five years after a violation,” Weintraub wrote.

“The U.S. Department of Justice can do so criminally – and is fully able to do so right now.”

She added that the work of the commission continues despite missing 50 percent of its six-seat leadership.

“FEC staff are continuing to process all complaints coming in the door and advance already authorized investigations,” she wrote. “An election lawyer would be committing professional malpractice if they advised a client to ignore federal campaign-finance laws while the Commission is short on commissioners.”

In fact, Mitrani said he often has to disabuse clients from their belief that the absence of an FEC quorum means a more liberal approach to enforcement by the feds.

“Whenever anyone says, ‘what’s the FEC going to do?’ I always chuckle,” he said. “The answer is that’s only a small part of the picture. And you never know.”

Link: <https://www.campaignsandelections.com/campaign-insider/what-campaign-finance-enforcement-could-look-like-in-2020>



## ELECTIONS

## Trump, RNC announce \$10 million plan to battle Dems on voting lawsuits

It represents an escalation between the two parties in the fight over competing charges of voter suppression and voter fraud.



President Donald Trump speaks to supporters during a March 2019 rally in Michigan, a key battleground state that Trump won by an extremely narrow margin over Hillary Clinton in 2016. | Scott Olson/Getty Images

By **NOLAN D. MCCASKILL**

02/20/2020 06:00 AM EST



President Donald Trump's reelection campaign and the Republican National Committee are pumping more than \$10 million into a legal campaign

challenging Democratic voting-related lawsuits and building a massive Election Day operation.

The multi-million-dollar effort pits the two parties against each other on the issue of voting rights, with Democrats contending that they're trying to make it easier for more people to cast ballots — and Republicans arguing that they must guard against potential fraud.

The new endeavor includes a legal challenge in Michigan, a key battleground state that Trump won by an extremely narrow margin over Democrat Hillary Clinton in 2016.

The RNC and Michigan Republican Party [filed a motion to intervene](#) Wednesday night in the U.S. District Court for the Eastern District of Michigan Southern Division to join a lawsuit as defendants against Priorities USA.

The Democratic super PAC has filed multiple lawsuits in the state, including challenges to laws that restrict organizers from helping voters submit absentee ballots and make it a misdemeanor to organize vehicles to transport voters to their polling places unless the voters are “physically unable to walk.”

In the filing, the RNC and state Republican Party said the laws are “constitutionally valid statutes that the legislature has enacted to help structure and ensure the integrity of the electoral environment.”

In its November suit, Priorities cast both bans as a “severe burden” on citizens’ ability to vote in Michigan, particularly among minorities, seniors, voters with disabilities and low-income voters. But the RNC insists that Priorities has failed to demonstrate how any voters would be disenfranchised by the policies.

“If Plaintiffs prevail and enforcement of the statutes is enjoined, the [Michigan Republican Party], RNC, and their candidates will face ‘a broader range of competitive tactics than [state] law would otherwise allow,’” they wrote in their filing. “In particular, candidates should not face the risk that absent ballot



applications submitted in their races will be destroyed, manipulated, or otherwise fraudulently altered by unknown actors.”

In a statement to POLITICO, RNC Chair Ronna McDaniel accused Democrats of “trying to rig the game with frivolous lawsuits that do nothing but create electoral chaos, waste taxpayer money, and distract election officials in an attempt to advance the Democrats’ voter suppression myth because they know they can’t beat President Trump at the ballot box.”

“These actions are dangerous, and we will not stand idly by while Democrats try to sue their way to victory in 2020,” she added.

Guy Cecil, chairman of Priorities USA, called it “shameful and un-American for the RNC to spend millions of dollars disenfranchising voters across the country.”

“We will not stop fighting voter suppression efforts until every barrier to the ballot box in our most vulnerable communities is torn down,” he said in a statement to POLITICO. “We would rather spend our resources on voter registration and education but this fight was brought to us and we will fight it.”

While a constellation of left-leaning groups is [laying groundwork](#) for huge voter turnout in November by filing an avalanche of voting-rights lawsuits against state laws they say suppress participation in elections, the RNC has also been active in voting-related litigation in battleground states like Arizona and Florida.

The Trump campaign and RNC also said they will train and deploy an army of thousands of lawyers and tens of thousands of volunteers in battleground states for early voting, Election Day and any potential recounts. They also pledged to spend millions of dollars in an effort to make sure that the general election is run fairly across the country and votes are accurately and legally tallied.

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**SENATE BILL NO. 111**

Offered January 8, 2020

Prefiled December 12, 2019

A *BILL to amend and reenact §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia, relating to absentee voting; no excuse required.*

Patrons—Howell, Locke, Mason, Spruill, Stuart, Boysko, Ebbin, Lewis, McClellan and Vogel; Delegate: Kory

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 24.2-416.1, 24.2-452, 24.2-612, 24.2-700, 24.2-701, 24.2-701.1, 24.2-702.1, 24.2-703.1, 24.2-703.2, 24.2-705.1, 24.2-705.2, 24.2-706, 24.2-709, and 24.2-1004 of the Code of Virginia are amended and reenacted as follows:

**§ 24.2-416.1. Voter registration by mail.**

A. A person may apply to register to vote by mail by completing and returning a mail voter registration application form in the manner and time provided by law.

B. Any person, who applies to register to vote by mail pursuant to this article and who has not previously voted in the county or city in which he registers to vote, shall be required to vote in person, either at the polls on election day or in-person absentee. However, this requirement to vote in person shall not apply to a person so long as he (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20302 et seq.); (ii) is provided the right to vote otherwise than in person under § 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20102(b)(2)(B)(ii)), including any disabled voter and any voter age 65 or older who is otherwise qualified to vote absentee under § 24.2-700; (iii) is entitled to vote otherwise than in person under other federal law; (iv) is a full-time student in an institution of higher education; or (v) requests to vote an absentee ballot by mail for presidential and vice-presidential elections only, for any reason, as entitled by federal law.

**§ 24.2-452. Definitions.**

As used in this chapter, unless the context requires a different meaning:

1. "Covered voter" means:

- a. A uniformed-service voter or an overseas voter who is registered to vote in this state;
- b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements; ~~including subdivision A 2 of § 24.2-700;~~
- c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;
- d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or
- e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

(1) The last place where a parent or legal guardian of the voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this state; and

(2) The voter has not previously registered to vote in any other state.

2. "Dependent" means an individual recognized as a dependent by a uniformed service.

3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).

4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.

5. "Military-overseas ballot" means:

- a. A federal write-in absentee ballot;
- b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title; or
- c. A ballot cast by a covered voter in accordance with this title.

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- 58 6. "Overseas voter" means a United States citizen who is outside the United States.  
59 7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States  
60 Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.  
61 8. "Uniformed service" means:  
62 a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of  
63 the United States;  
64 b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned  
65 corps of the National Oceanic and Atmospheric Administration of the United States; or  
66 c. The Virginia National Guard.  
67 9. "Uniformed-service voter" means an individual who is qualified to vote and is:  
68 a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
69 Coast Guard of the United States who is on active duty;  
70 b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the  
71 commissioned corps of the National Oceanic and Atmospheric Administration of the United States;  
72 c. A member on activated status of the National Guard; or  
73 d. A spouse or dependent of a member referred to in this definition.  
74 10. "United States," used in the territorial sense, means the several states, the District of Columbia,  
75 Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the  
76 jurisdiction of the United States.

77 **§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for**  
78 **accuracy; when ballots printed; number required.**

79 Immediately after the expiration of the time provided by law for a candidate for any office to qualify  
80 to have his name printed on the official ballot and prior to printing the ballots for an election, each  
81 general registrar shall forward to the Department of Elections a list of the county, city, or town offices  
82 to be filled at the election and the names of all candidates who have filed for each office. In addition,  
83 each general registrar shall forward the name of any candidate who failed to qualify with the reason for  
84 his disqualification. On that same day, the general registrar shall also provide a copy of the notice to  
85 each disqualified candidate. The notice shall be sent by email or regular mail to the address on the  
86 candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The  
87 Department of Elections shall promptly advise the general registrar of the accuracy of the list. The  
88 failure of any general registrar to send the list to the Department of Elections for verification shall not  
89 invalidate any election.

90 Each general registrar shall have printed the number of ballots he determines will be sufficient to  
91 conduct the election. Such determination shall be based on the number of active registered voters and  
92 historical election data, including voter turnout, and shall be subject to the approval by the electoral  
93 board.

94 Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise  
95 provide one statewide paper ballot style for each paper ballot style in use for presidential and  
96 vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402  
97 or only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize  
98 the printer or vendor to apportion the costs for these ballots among the localities based on the number of  
99 ballots ordered. Any printer employed by the Department of Elections shall execute the statement  
100 required by § 24.2-616. The Department of Elections shall designate a representative to be present at the  
101 printing of such ballots and deliver them to the appropriate general registrars pursuant to § 24.2-617.  
102 Upon receipt of such paper ballots, the electoral board or the general registrar shall affix the seal of the  
103 electoral board. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the  
104 Department of Elections shall specifically direct.

105 The general registrar shall make printed ballots available for absentee voting not later than 45 days  
106 prior to any election or within three business days of the receipt of a properly completed absentee ballot  
107 application, whichever is later. In the case of a special election, excluding for federal offices, if time is  
108 insufficient to meet the applicable deadline established herein, then the general registrar shall make  
109 printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making  
110 printed ballots available includes mailing of such ballots or electronic transmission of such ballots  
111 pursuant to § 24.2-706 to a ~~qualified absentee voter who is eligible for an absentee ballot under~~  
112 ~~subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452.~~ Not later than five days after  
113 absentee ballots are made available, each general registrar shall report to the Department of Elections, in  
114 writing on a form approved by the Department of Elections, whether he has complied with the  
115 applicable deadline.

116 Only the names of candidates for offices to be voted on in a particular election district shall be  
117 printed on the ballots for that election district.

118 The general registrar shall send to the Department of Elections a statement of the number of ballots  
119 ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the

Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any general registrar is not sufficient, it may direct the general registrar to order the printing of a reasonable number of additional ballots.

**§ 24.2-700. Persons entitled to vote by absentee ballot.**

A. The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:

1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;

2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;

3. Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;

4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;

5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;

6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;

7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;

8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;

9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or

12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.

B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding in accordance with the provisions of this chapter in any election in which he is qualified to vote.

**§ 24.2-701. Application for absentee ballot.**

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision A 2 of § 24.2-700 covered voter, as defined in § 24.2-452.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately

181 preceding all elections.

182 Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant  
183 who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to  
184 the best of his knowledge and belief the facts contained in the application are true and correct and that  
185 he has not and will not vote in the election at any other place in Virginia or in any other state. If the  
186 applicant is unable to sign the application, a person assisting the applicant will note this fact on the  
187 applicant signature line and provide his signature, name, and address.

188 B. Applications for absentee ballots shall be completed in the following manner:

189 1. An application completed in person shall be completed only in the office of the general registrar  
190 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms  
191 of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the  
192 forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot  
193 under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the  
194 general registrar for the handling and counting of such provisional ballots pursuant to subsection B of  
195 § 24.2-653 and this section.

196 2. Any other application may be made by mail, by electronic or telephonic transmission to a  
197 facsimile device if one is available to the office of the general registrar or to the office of the State  
198 Board if a device is not available locally, or by other means. The application shall be on a form  
199 furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard  
200 application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be  
201 accepted the later of (i) 12 months before an election or (ii) the day following any election held in the  
202 twelfth month prior to the election in which the applicant is applying to vote. The application shall be  
203 made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in  
204 which the applicant offers to vote as specified in subdivision 3.

205 3. *The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard*  
206 *application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be*  
207 *accepted the later of (i) 12 months before an election or (ii) the day following any election held in the*  
208 *twelfth month prior to the election in which the applicant is applying to vote. The application shall be*  
209 *made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in*  
210 *which the applicant offers to vote.*

211 C. Applications for absentee ballots shall contain the following information:

212 1. The applicant's printed name; ~~and the last four digits of the applicant's social security number; and~~  
213 ~~the reason the applicant will be absent or cannot vote at his polling place on the day of the election.~~  
214 However, an applicant completing the application in person shall not be required to provide the last four  
215 digits of his social security number;

216 2. A statement that he is registered in the county or city in which he offers to vote and his residence  
217 address in such county or city. Any person temporarily residing outside the United States shall provide  
218 the last date of residency at his Virginia residence address, if that residence is no longer available to  
219 him. ~~Any person who makes application under subdivision A 2 of § 24.2-700 covered voter, as defined~~  
220 ~~in § 24.2-452, who is not a registered voter may file the applications to register and for a ballot~~  
221 ~~simultaneously; and~~

222 3. The complete address to which the ballot is to be sent directly to the applicant, unless the  
223 application is made in person at a time when the printed ballots for the election are available and the  
224 applicant chooses to vote in person at the time of completing his application. The address given shall be  
225 (i) the address of the applicant on file in the registration records; (ii) the address at which he will be  
226 located while absent from his county or city; or (iii) the address at which he will be located while  
227 temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other  
228 person; and

229 4. ~~In the case of a person, or the spouse or dependent of a person, who is on active duty as a~~  
230 ~~member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the~~  
231 ~~spouse belongs; or~~

232 5. ~~In the case of a student, or the spouse of a student, who is attending a school or institution of~~  
233 ~~higher education, the name of the school or institution of higher education; or~~

234 6. ~~In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable~~  
235 ~~to go in person to the polls on the day of the election because of his disability, illness, or pregnancy,~~  
236 ~~that he is a person with a disability, illness, or pregnancy; or~~

237 7. ~~In the case of a person who is confined awaiting trial or for having been convicted of a~~  
238 ~~misdemeanor, the name of the institution of confinement; or~~

239 8. ~~In the case of a person who will be absent on election day for business reasons, the name of his~~  
240 ~~employer or business; or~~

241 9. ~~In the case of a person who will be absent on election day for personal business or vacation~~  
242 ~~reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or~~

10. In the case of a person who is unable to go to the polls on the day of election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home, his relationship to the family member; or

11. In the case of a person who is unable to go to the polls on the day of election because of an obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

12. In the case of a person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or employer and hours he will be at the workplace and commuting on election day; or

13. In the case of a law enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

14. In the case of a person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so designated; or

15. In the case of a person who has been granted a protective order issued by or under the authority of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing court.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot during the period beginning on the second Saturday immediately preceding the election in which he is offering to vote pursuant to § 24.2-701.1.

**§ 24.2-701.1. Absentee voting in person.**

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election.

1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and continuing until the second Friday immediately preceding such election. He shall complete the application for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in accordance with the provisions of § 24.2-706.

2. Any registered voter may offering to vote absentee in person on or after the second Saturday immediately preceding the election in which he is offering to vote. He shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706.

A registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar. For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

C. Additional locations in the county or city approved by the electoral boards may be available for absentee voting in person. Any such location shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

D. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

E. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when

they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection D are located in the office of the general registrar and (ii) the general registrar or an assistant registrar is present.

F. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

**§ 24.2-702.1. Federal write-in absentee ballots.**

A. Notwithstanding any other provision of this title, a ~~qualified absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700~~ covered voter, as defined in § 24.2-452, may use a federal write-in absentee ballot in any election. Such ballot shall be submitted and processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) and this article.

B. Notwithstanding any other provision of this title, a federal write-in absentee ballot submitted pursuant to subsection A shall be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot, provided that the ballot is received no later than the deadline for the return of absentee ballots as provided in § 24.2-709 for the election in which the voter offers to vote, and the application contains the following information: (i) the voter's signature; however, if the voter is unable to sign, the person assisting the voter will note this fact in the voter signature box; (ii) the voter's printed name; (iii) the county or city in which he is registered and offers to vote; (iv) the residence address at which he is registered to vote; (v) his current military or overseas address; and (vi) the signature of a witness who shall sign the same application.

C. This section shall not be construed to require that an absentee ballot be sent to the absentee voter on receipt of a federal write-in absentee ballot unless the voter has also submitted an absentee ballot application pursuant to § 24.2-701 or 24.2-703.

**§ 24.2-703.1. Special annual applications for absentee ballots for certain ill or disabled voters.**

Any person who is eligible for an absentee ballot under subdivision A 4 of ~~§ 24.2-700~~ because of a ~~disability or illness and who is likely to remain so eligible with a disability or illness whose disability or illness is likely to continue~~ for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious practitioner, that the voter is ~~eligible for an absentee ballot under subdivision A 4 of § 24.2-700 and likely to remain so eligible~~ is a person with a disability or illness whose disability or illness is likely to continue for the remainder of the calendar year.

In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.

The general registrar shall send each such enrolled applicant a blank application by December 15 for each ensuing calendar year, and upon completion thereof, the applicant shall be eligible to receive ballots for all elections in which he is eligible to vote in that calendar year.

If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, or the general registrar knows that the applicant is no longer a qualified voter, no ballot for any subsequent election shall be sent to the voter until a new application is filed and accepted.

**§ 24.2-703.2. Replacement absentee ballots for certain disabled or ill voters; penalty.**

A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions: (i) the voter applied for an absentee ballot under subdivision A 4 of ~~§ 24.2-700~~ because of a disability or illness; (ii) the application was approved and an absentee ballot mailed to the voter; and (iii) ~~the voter~~ A person with a disability or illness who has applied for and has been sent an absentee ballot who did not receive or has lost the absentee ballot on or before the Saturday before the election may obtain a replacement absentee ballot. In such case, the voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before election day and designate, in writing, a representative to obtain a replacement absentee ballot on his behalf from the general registrar and to return the properly completed ballot as directed by the general registrar no later than the close of polls on the day of election for which the absentee ballot is valid. The representative shall be age ~~eighteen~~ 18 or older and shall not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate. The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.

**§ 24.2-705.1. Late applications and in-person absentee voting for business and medical emergencies.**

Any person registered and otherwise qualified to vote who becomes obligated after 12:00 noon on the Saturday before an election to be absent from his county or city on election day for a purpose pertaining to (i) his business, profession, or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family, may apply for an absentee ballot and vote absentee in person pursuant to this section and subject to the following conditions:

1. The applicant ~~applies in person for an absentee ballot~~ *offers to vote absentee in person* on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

2. The applicant signs a statement, ~~which shall be deemed part of his absentee ballot application and~~ subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is required to leave the county or city before the opening of the polls on election day for a purpose pertaining to (i) his business, profession or occupation, (ii) the hospitalization of the applicant or a member of his immediate family, or (iii) the death of a member of his immediate family, and that he did not have notice or knowledge of such required travel prior to 12:00 noon on the immediately preceding Saturday. "Immediate family" means the children including adopted children, grandchildren, grandparents, parents, legal guardian, siblings, whether of the whole or half blood, and spouse of the applicant.

"Hospitalization" refers to confinement in a hospital as defined in § 32.1-123 or 37.2-100 and any comparable hospital in the District of Columbia or any state contiguous to Virginia.

**§ 24.2-705.2. Late applications and in-person absentee voting for certain officers of election.**

Any officer of election, registered and otherwise qualified to vote, who is assigned after 12:00 noon on the Saturday before an election to be absent from his precinct and to serve as an officer of election in another precinct on election day, may apply for an absentee ballot and vote absentee in person pursuant to this section and subject to the following conditions:

1. The officer of election ~~applies in person for an absentee ballot~~ *offers to vote absentee in person* on the Monday immediately preceding the election, before 2:00 p.m., at the principal office of the registrar; and

2. The officer signs a statement, ~~which shall be deemed part of his absentee ballot application and~~ subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has been assigned to serve in a precinct other than the precinct where he votes and that he did not have notice or knowledge of such assignment prior to 12:00 noon on the immediately preceding Saturday.

**§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

A. On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications received. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

B. The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."



2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is \_\_\_\_\_ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of \_\_\_\_\_ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter \_\_\_\_\_

Date \_\_\_\_\_

Signature of witness \_\_\_\_\_ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

When this statement has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

C. If the applicant completes his application in person under § 24.2-701 at a time when the printed ballots for the election are available, he may request that the general registrar send to him by mail the items set forth in subdivisions B 1 through 4, instead of casting the ballot in person. Such request shall be made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, and the general registrar shall send those items to the applicant by mail, obtaining a certificate or other evidence of mailing.

~~D. If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision A 2 of § 24.2-700 is a covered voter, as defined in § 24.2-452,~~ the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions B 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

E. The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole

or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

**§ 24.2-709. Ballot to be returned in manner prescribed by law.**

A. Any ballot returned to the office of the general registrar in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar before the closing of the polls. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed.

B. Notwithstanding the provisions of subsection A, ~~any absentee ballots~~ *ballot* (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by ~~an absentee voter who is eligible for an absentee ballot under subdivision A 2 of § 24.2-700 a covered voter, as defined in § 24.2-452,~~ shall be counted pursuant to the procedures set forth in this chapter ~~and, if the voter is found entitled to vote, included in the election returns.~~ The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

C. Notwithstanding the provisions of clause (i) of subsection B of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

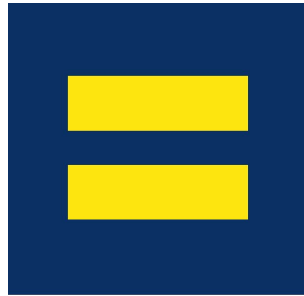
**§ 24.2-1004. Illegal voting and registrations.**

A. Any person who wrongfully deposits a ballot in the ballot container or casts a vote on any voting equipment, is guilty of a Class 1 misdemeanor.

B. Any person who intentionally (i) votes more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (ii) procures, assists, or induces another to vote more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, (iii) votes knowing that he is not qualified to vote where and when the vote is to be given, or (iv) procures, assists, or induces another to vote knowing that such person is not qualified to vote where and when the vote is to be given is guilty of a Class 6 felony.

C. Any person who intentionally (i) registers to vote at more than one residence address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, or (ii) procures, assists, or induces another to register to vote at more than one address at the same time, whether such registrations are in Virginia or in Virginia and any other state or territory of the United States, is guilty of a Class 6 felony. This subsection shall not apply to any person who, when registering to vote, changing the address at which he is registered, transferring his registration, or assisting another in registering, changing his address, or transferring his registration, provides the information required by § 24.2-418 on the applicant's place of last previous registration to vote.

D. Nothing in this section shall be construed to prohibit a ~~person entitled to vote absentee under subdivision A 2 of § 24.2-700~~ *covered voter, as defined in § 24.2-452,* from casting in the same election both a state ballot and a write-in absentee ballot that is processed in the manner provided by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.). If both ballots are received prior to the close of the polls on election day, the state ballot shall be counted.



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# **LGBTQ Voting Experience Survey**

# Presentation Outline

- Study purpose
- Survey methodology
- Initial findings
- Brainstorm



# Study Purpose



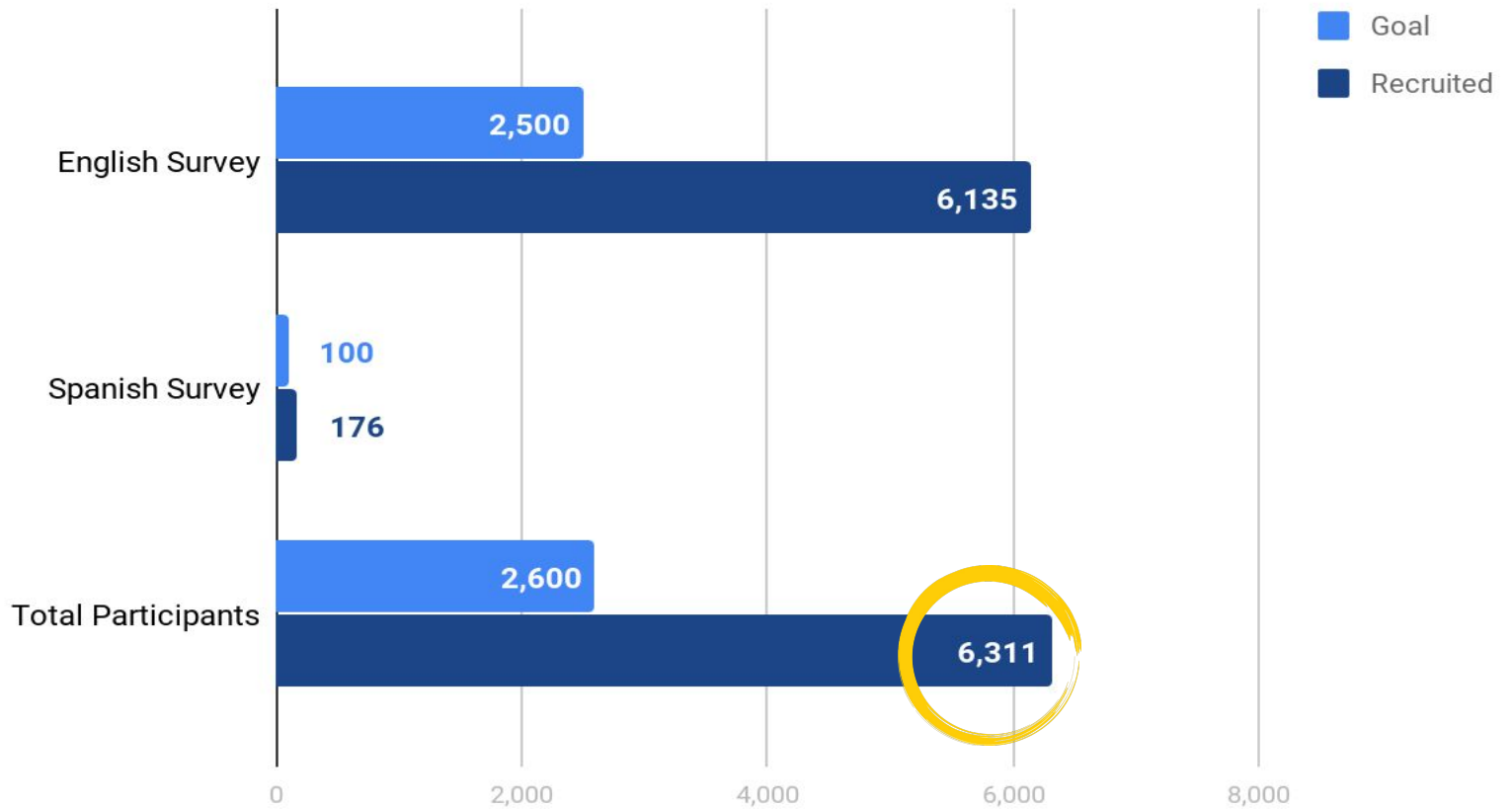
- Compile and analyze new data on the voting experience of LGBTQ people
- Utilize findings to increase understanding by the LGBTQ and allied community about why voting rights are an LGBTQ issue
- Utilize findings to support HRC efforts to address voter suppression/expansion

# Survey Methodology & Outreach

- Nonprobability sample of LGBTQ adults in the United States and territories
- Survey fielded in English and Spanish - **a first for HRC**
- Outreach methods
  - Amplified survey portal through HRC communications, especially digital communications
  - Snowballed responses via local, state and national partners, as well as promotion by Project One America and HRC Rising teams
  - Paid social media ads
  - A demographically representative panel of 1,500 LGBTQ adults recruited by SurveyGizmo, our survey system provider



# Sample Size Exceeded Goal





# Nationally Representative Sample

- Weighting is required to (approximately) match the demographic makeup of the LGBTQ population so that our findings are representative
- Weighting assigns additional importance to groups of people who are either over- or under-represented in a sample due to bias
- We weighted the data based on core demographic variables: race, education and income
- This allows us to draw reliable conclusions from our data that are nationally representative



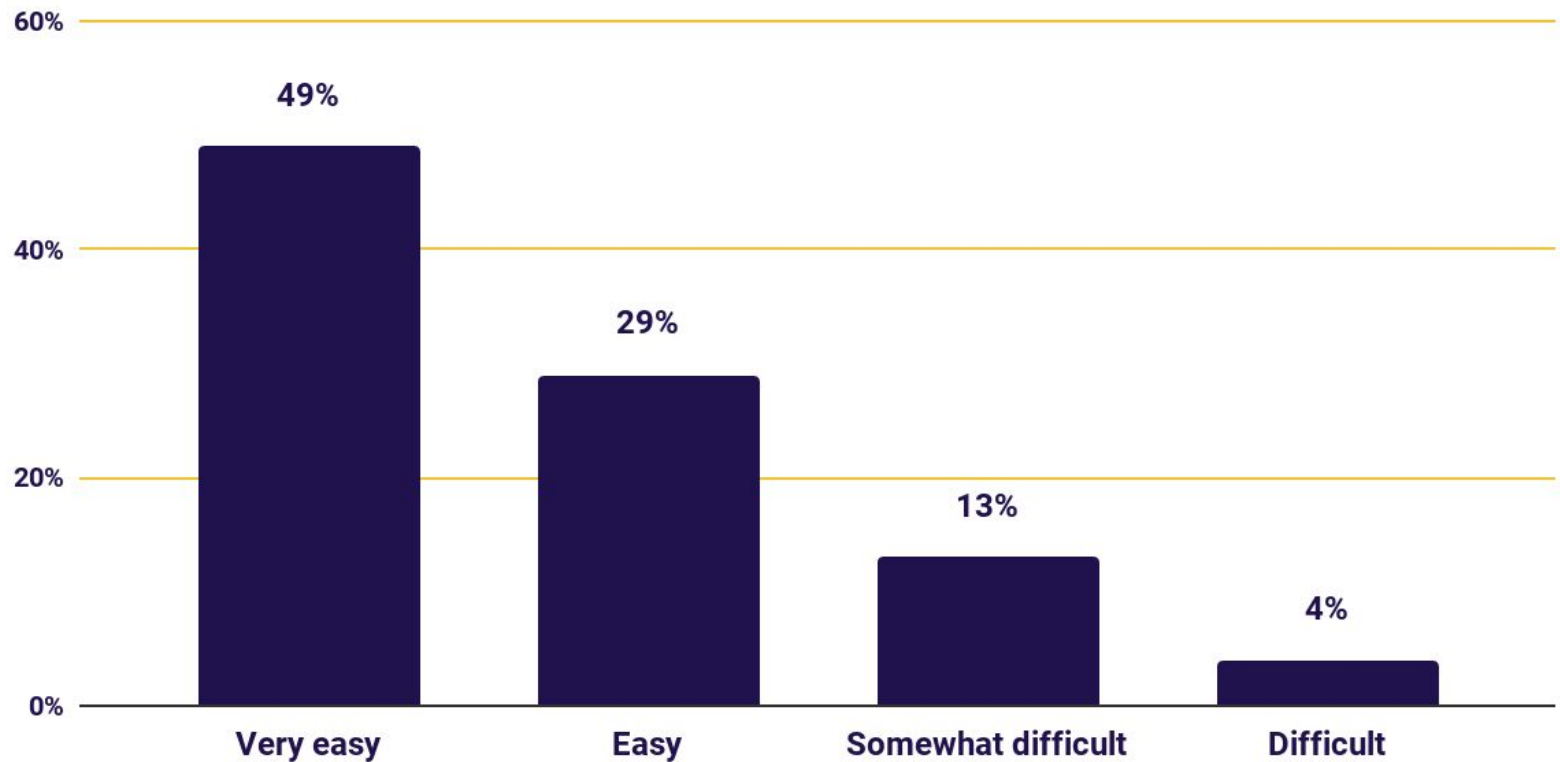
**Initial Finding 1: Many LGBTQ people have found voting to be easy, but those who find it most difficult are people of color.**

**1**



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**80% of LGBTQ adults have found voting to be easy or very easy in their life, still almost 20% say it has been difficult or very difficult.**



**60%**

of LGBTQ adults

who said voting has been difficult are people  
of color



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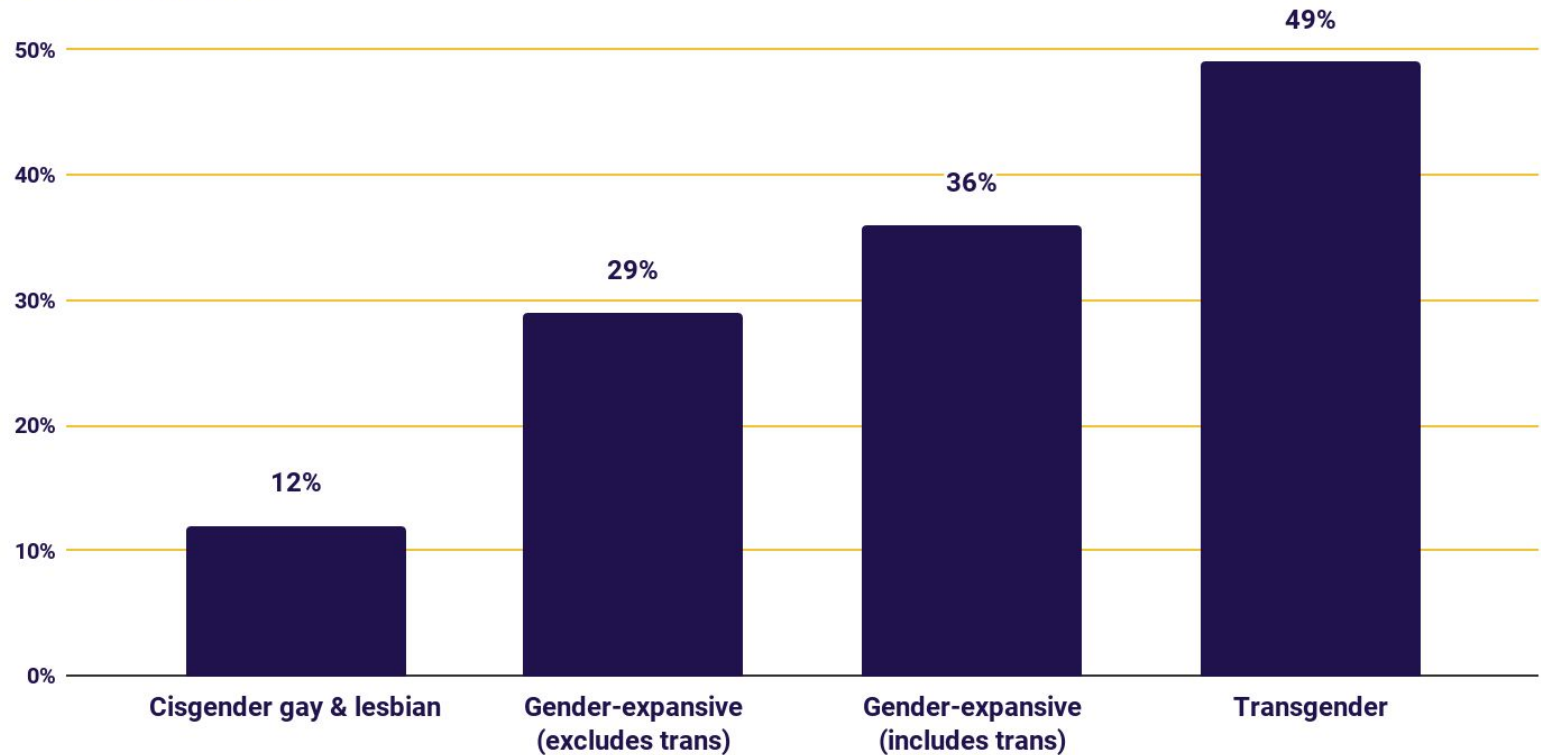
**Initial Finding 2: Overt and fear of discrimination at the polls has substantially deterred many LGBTQ people from voting.**

**2**

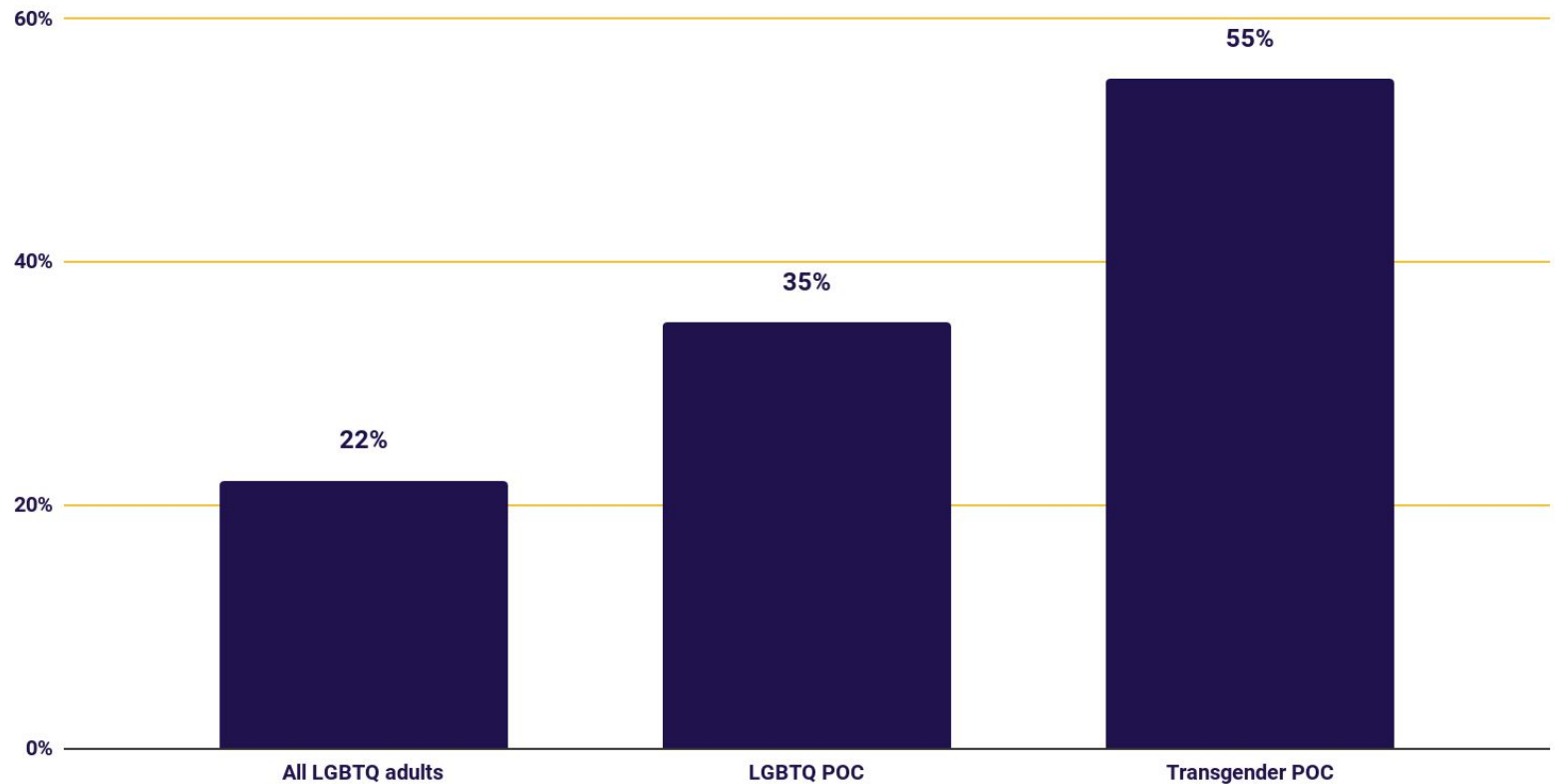


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**Transgender & gender-expansive adults are up to four times more likely to say that they did NOT vote in a past election due to overt discrimination or fear of discrimination.**



**LGBTQ POC and transgender POC are more likely than all LGBTQ people to have NOT voted in a past election due to overt discrimination and fear of discrimination.**





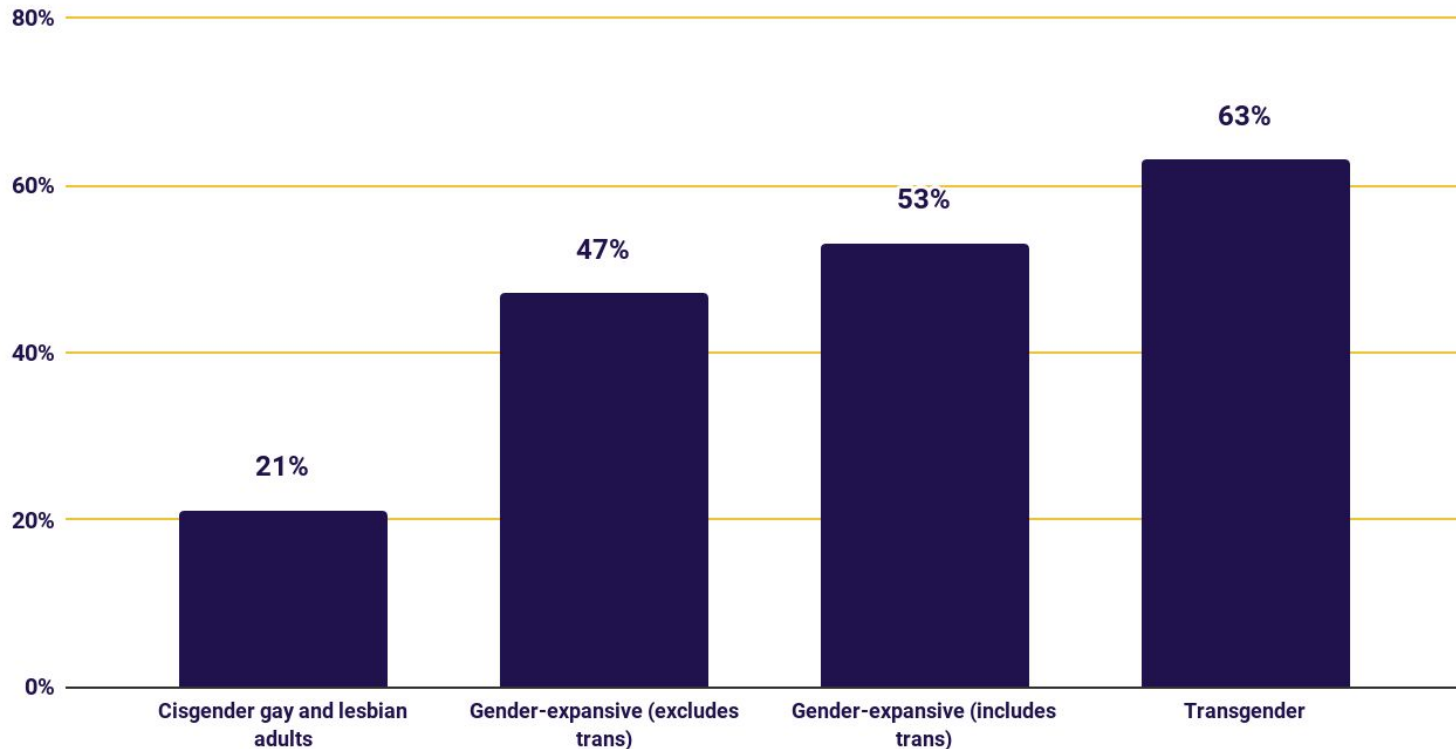
**Initial Finding 3: Issues with identity documents (IDs), financial challenges, and false perceptions of voter ineligibility deter LGBTQ people from voting.**

3

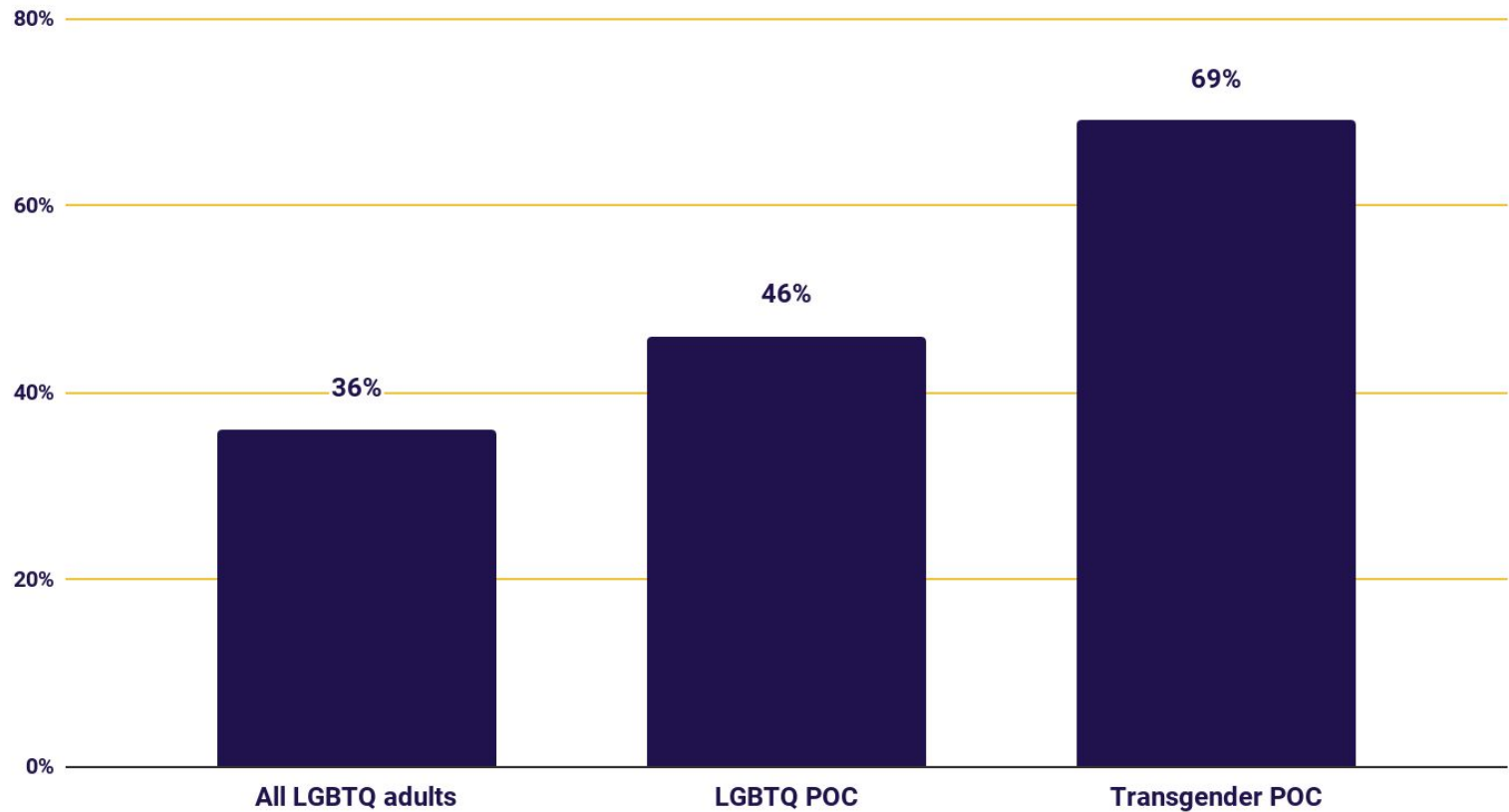


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**Transgender & gender-expansive adults are up to three times more likely to say they did NOT vote in the past due to an issue with their IDs, financial challenges, or false perceptions about voter ineligibility.**



**LGBTQ POC and transgender POC are far more likely to have NOT voted in a past election due to issues with their IDs, financial challenges, or false perceptions about voter ineligibility.**

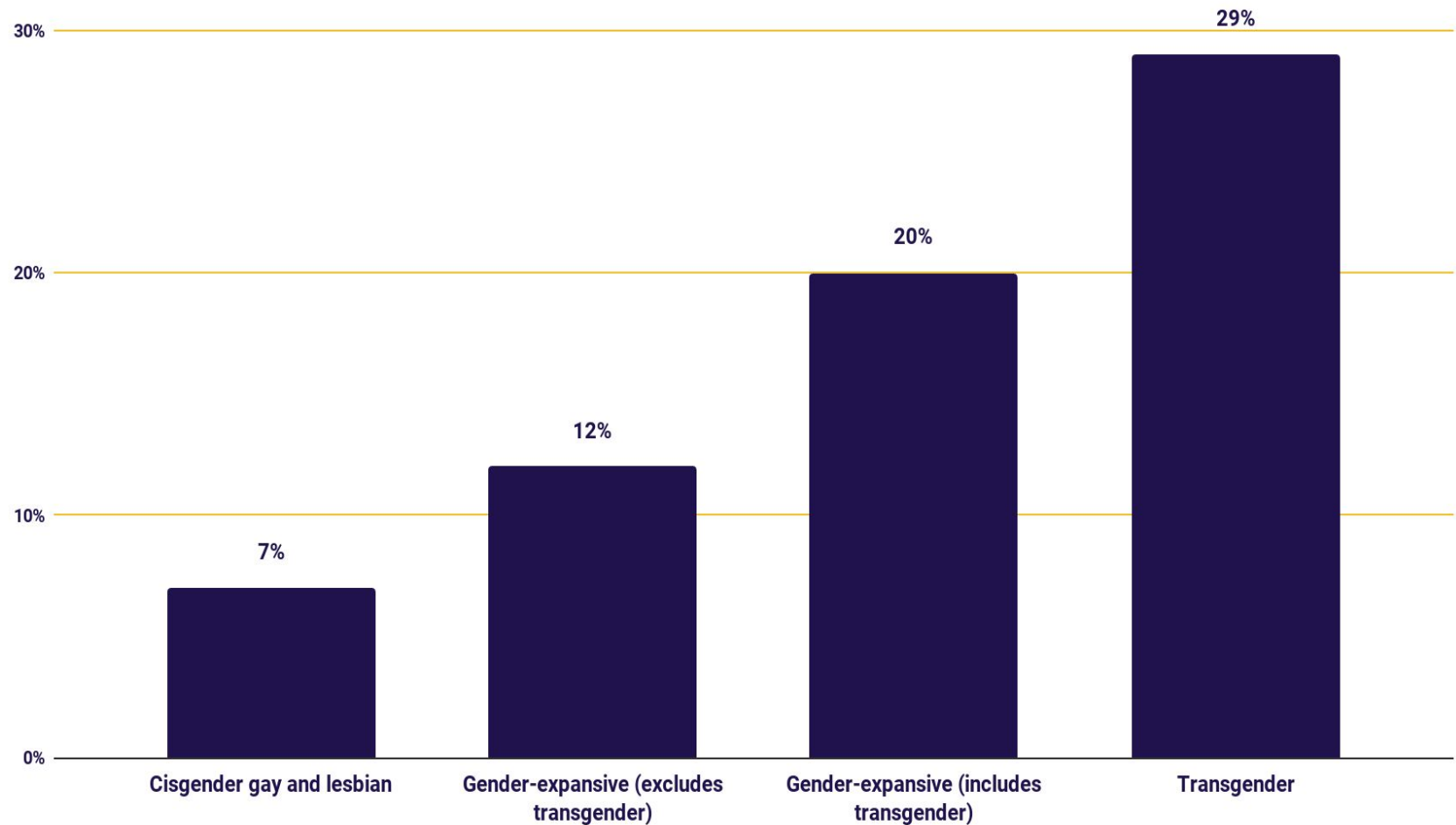


**Initial Finding 4: Transgender,  
gender-expansive, and LGBTQ POC are  
more likely to be kicked off the voter  
registration list.**

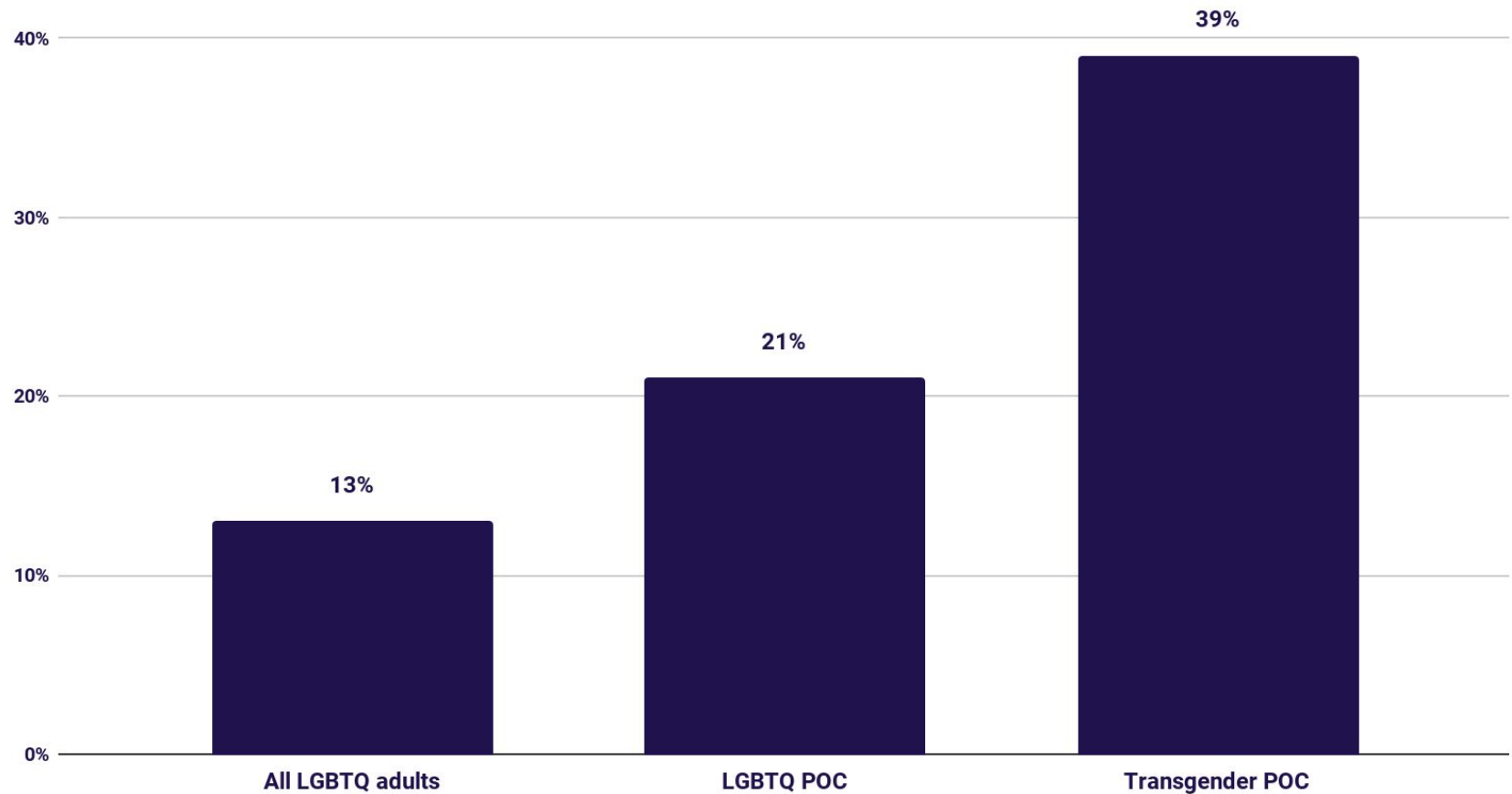
**4**



**Transgender & gender-expansive people are up to four times more likely to say they showed up to vote but found out they were removed from the voter registration list.**



**LGBTQ POC, especially transgender POC, are nearly four times as likely than all LGBTQ adults to have shown up to vote but found out they were removed from the voter registration list.**



**Initial Finding 5: Transgender and gender-expansive people are less likely to know where to go to vote or about their voting rights.**

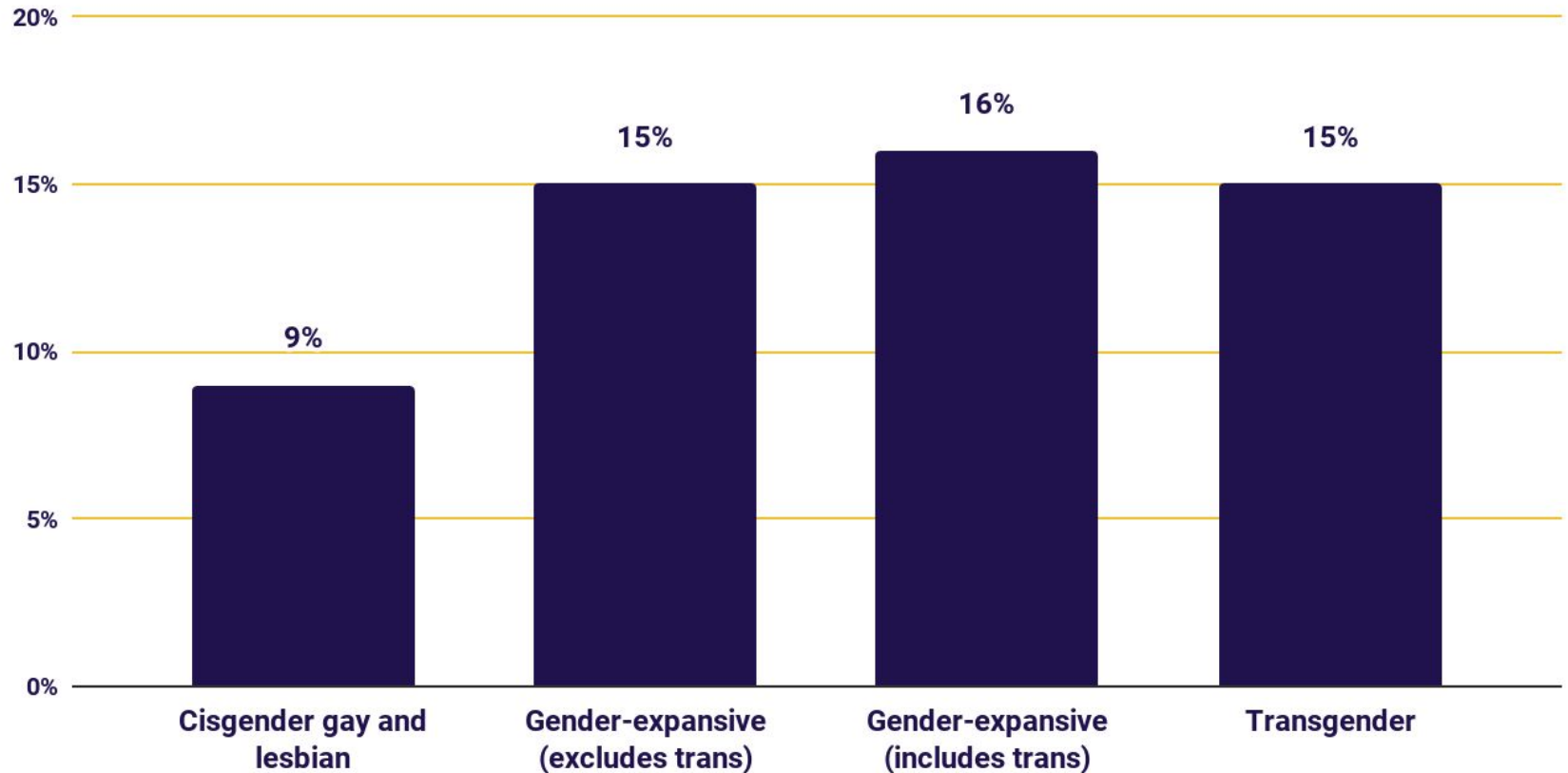
5



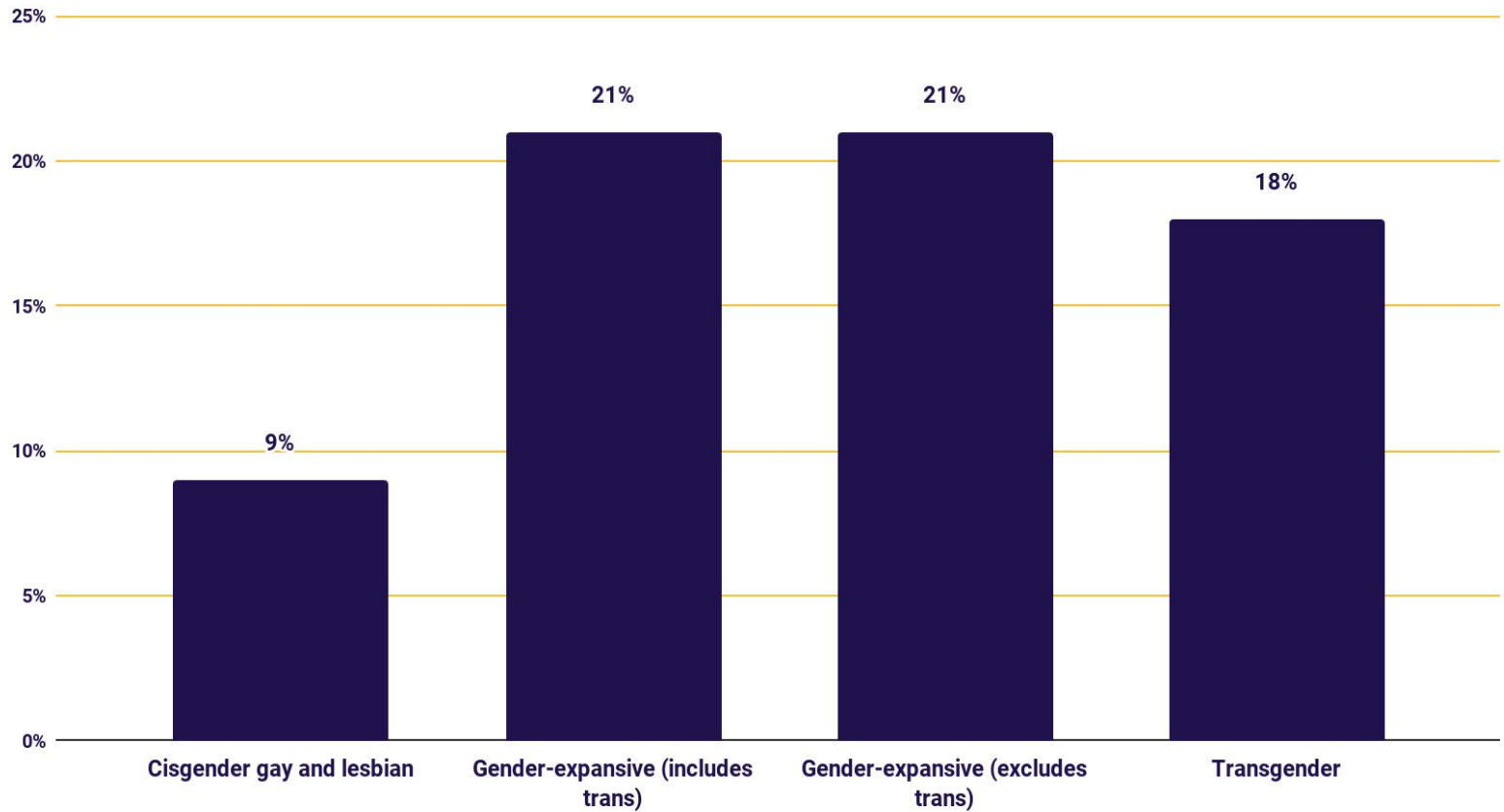
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**Transgender & gender-expansive adults are nearly twice as likely to report that they DON'T HAVE ENOUGH INFORMATION ABOUT WHERE TO VOTE.**



**Transgender & gender-expansive adults are more likely to say they have LESS INFORMATION ABOUT THEIR VOTING RIGHTS.**



**Initial Finding 6: More LGBTQ people  
intend to vote in the 2020 election than  
the 2016 election.**

6



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## **Initial Finding 6: More LGBTQ people intend to vote in the 2020 election than the 2016 election.**

**71%**

of LGBTQ adults  
voted in the 2016  
election

**85%**

of LGBTQ adults  
plan to vote in the  
2020 election



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# **Initial Finding 7: Among LGBTQ people who plan to vote in 2020, some plan to vote for Donald Trump.**

**7**



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**1 in 5**

**LGBTQ adults**

**say they are going to  
vote for Donald Trump**



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**59%**

of LGBTQ adults saying they will vote for Trump

**are White**

**70%**

of LGBTQ adults saying they will vote for Trump

**are Conservatives or Moderates**

**75%**

of LGBTQ adults saying they will vote for Trump

**are Republicans or Independents**



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# **Initial Finding 8: California Snapshot (Unweighted)**

8



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**28%**

of respondents in California

**did not vote in a past election due to overt  
discrimination or fear of discrimination**

**38%**

of respondents in California

**did not vote in a past election due to an issue with their  
IDs, financial challenges, or false perceptions of voter  
ineligibility**

**16%**

of respondents in California

**say they do not have enough information about their  
voting rights**



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# Brainstorm



- Where to look deeper?
  - Comps
  - Write-ins/qualitative responses
  - Other?
- Products to create?
  - Create fact sheet/materials on nationalized data
  - Create boilerplate language on relevant data points for future press releases/speeches
  - Build select state case studies
  - Other?

