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Editorial: Vote for This; A bipartisan chance to repair an antiquated registration system

The Washington Post

August 31, 2009

A14

<http://www.washingtonpost.com/wp-dyn/content/article/2009/08/30/AR2009083002284.html>

ONE WAS general counsel to John McCain's 2008 presidential campaign, the other held a similar post with Al Franken's campaign for the Minnesota U.S. Senate seat. It's hard to imagine Trevor Potter and Marc Elias agreeing on much. Yet the experiences of last fall's political campaigns helped convince both men that there is something fundamentally wrong with how America votes -- or, more precisely, how America registers to vote. The result is a unique, bipartisan effort that we hope will prod Congress and the states to action.

The Committee to Modernize Voter Registration will be formally launched Monday. Its aim is to replace the country's cumbersome, paper-based system of voter registration with one that uses new technologies and government databases to build a more lasting roster. It wants to shift the burden so that states try to register all eligible voters, rather than waiting for individuals to come to them. Co-chaired by Mr. Potter and Mr. Elias, the group is composed of election administrators, former elected officials, campaign professionals, and experts on voting and elections. Among its members are former U.N. ambassador and senator John C. Danforth (R), former Senate majority leader Thomas A. Daschle (D), and former representatives Susan Molinari (R) and Harold Ford Jr. (D).

It's significant that different types of people -- not just academicians or election officials -- are agreeing on the drawbacks of the current, voter-initiated system of registration. Those drawbacks are legion: blocking many voters (an estimated 2 million in 2008) from casting ballots; relying on the often-erratic efforts of third parties to register voters; diverting local election officials from more critical tasks. What is far trickier for the group is fashioning legislation that provides for a practical and workable alternative.

The group rightly does not want to impose an unfunded mandate on states. Instead, it believes that Congress should outline goals, set standards and use federal funds to encourage states to modernize. Important work on how states could compile a list of eligible voters from existing databases is being done by the Pew Center on the States, also a member of the new committee. The center has looked at states that are pioneering new methods, such as Delaware, which requires all eligible visitors to the Division of Motor Vehicles to register to vote, update their registrations or decline to do so. Information is automatically downloaded into voters' files, eliminating the need for human entry and reducing the chance of error. Equally promising is the center's look at cost implications. Canada, which implemented a new system in 1996 at a start-up cost of \$13.3 million, has realized about \$150 million in savings.

Formation of a group will not, in itself, bring about change. But by helping to foster a national conversation, the committee performs a valuable function, particularly because its voices are not encumbered by the partisan rancor that too often accompanies election reform. Congress ought to pay attention.

The Note: Leadership Now -- Obama urged by both sides to fill political void

By RICK KLEIN

August 31, 2009

<http://blogs.abcnews.com/thenote/2009/08/the-note-leadership-now-obama-urged-by-both-sides-to-fill-political-void.html>

[Excerpted]

Trevor Potter and Marc Elias, teaming up for modernized voter registration: "The Committee to Modernize Voter Registration will be formally launched Monday. Its aim is to replace the country's cumbersome, paper-based system of voter registration with one that uses new technologies and government databases to build a more lasting roster. It wants to shift the burden so that states try to register all eligible voters, rather than waiting for individuals to come to them," [per The Washington Post editorial](#).

Bipartisan plan would end ACORN electioneering

Washington times

Matthew Mosk

September 1, 2009

<http://washingtontimes.com/news/2009/sep/01/rivals-registering-voters-is-too-hard/>

Two frequent political rivals are joining forces to pursue radical changes to the nation's voter-registration system, a bid aimed in part at eliminating massive voter drives by groups such as ACORN that last year saw people fraudulently registering under the names of cartoon characters and sports figures.

The two prominent election lawyers - who advised Sens. John Kerry and John McCain during their respective presidential campaigns - want states to place the name of every eligible citizen on the voter rolls, rather than having people affirmatively register to vote, as they do now.

Another key objective: to modernize the registration process so it no longer depends so heavily on postcards and paper forms, said officials at the Pew Center on the States, a nonpartisan group that is backing the effort.

Marc Elias, who served as Mr. Kerry's lawyer, said there is at least one point on which campaign specialists from both parties can agree: "There ought to be a better way to do this."

Mr. Elias said he became convinced the registration process needed an overhaul while he was representing Al Franken during his protracted legal effort to be declared the victor in the 2008 Senate race in Minnesota. The court, he said, waded through more than 18,000 documents, often with the goal of gleaning whether someone who cast a ballot was properly registered.

As the case evolved, Mr. Elias said, lawyers on both sides found a rare sliver of common ground in their shared frustration with the voter-registration system.

Trevor Potter said his frustration with the registration system blossomed while he represented Mr. McCain during the 2008 election.

While Republicans raised vocal concerns about the potential for voter fraud during the final weeks of the campaign, he said his worries had less to do with fraud.

When the Association of Community Organizations for Reform Now (ACORN) hired volunteers to fan out with clipboards and then flooded elections officials with registration forms as Election Day approached, Mr. Potter said he worried it would result in the election system being overwhelmed. That, he said, could have led to the vast use of provisional ballots, or to scenarios where elections officials simply allowed people to vote without having had time to verify that they were officially registered.

Worse still, he said, was that it was later determined that only about one-third of the late registration forms submitted were from legitimate, new voters.

"I want to be clear, I do not have a vendetta against ACORN," Mr. Potter said. His beef, he said, is with a registration process that feels like something "left over from the horse and buggy days."

The attempt at an overhaul is still in its infancy. The two men will oversee work by a panel of specialists that includes local and state elected officials as well as former members of Congress from both parties.

Neither was ready to set a timetable for presenting Congress with draft legislation, and the two agreed that any attempt to get Congress to alter the electoral system is bound to face serious hurdles. But they also said they think carefully worded legislation can gain backing from key leaders on both sides of the aisle.

A system that automatically registers every eligible voter will give no party an obvious political edge, they said. And regularly updated lists based on federal data could ensure that elections officials have correct information on Election Day.

One outstanding question is cost. Doug Chapin, the director of Pew's elections initiatives, said preliminary estimates suggest that a computerized system would be far less expensive than paper systems. But the upfront expense of an overhaul remains unclear, Mr. Chapin said.

Bipartisan Group Looks to Reshape Voter Registration

New York Times Caucus Blog

By Bernie Becker

August 31, 2009

<http://thecaucus.blogs.nytimes.com/2009/08/31/bipartisan-group-looks-to-reshape-voter-registration/>

A bipartisan group, including election experts and former members of Congress, is seeking to overhaul what they call the country's outmoded voter registration process.

The two chairmen of the Committee to Modernize Voter Registration — Trevor Potter, the general counsel for both of Senator John McCain's presidential campaigns, and Marc Elias, who most recently was the lead lawyer for Senator Al Franken during the recent Minnesota recount — say their campaign experiences have persuaded them that the country needs to move toward a more automated registration system.

"Throughout our campaign work, we saw firsthand the inefficiency and needless expense in our paper-based registration system," Mr. Potter said in a statement.

At a meeting with reporters to announce the committee on Monday, Mr. Potter said that third-party groups like ACORN would often submit large number of registrations, some of them incomplete or duplicates, at the last minute during the 2008 campaign, which could overwhelm local registrars.

And Mr. Elias discussed issues caused by paper-based registrations in Minnesota, especially with absentee ballots.

The committee also includes former lawmakers from both parties, such as Democrats Tom Daschle and Harold Ford Jr. and Republicans John Danforth and Susan Molinari. Election experts Thomas Mann of the

Brookings Institution and Norm Ornstein of the American Enterprise Institute and state and local elections officials have also signed on to the committee.

The Pew Center on the States, which was the host of the meeting with reporters, also released a [report on modernizing voter registration](#) on Monday.

The chairmen stressed that they had not worked out many of the details in a proposed overhaul of the registration system, which would likely bring more federal involvement to a system that is currently run largely by state and local governments. Mr. Elias added that, at this early stage, they were promoting themselves as a “resource for those on Capitol Hill” who would have to pass the legislation reworking the registration system.

But both said they believed that, one way or another, voters should automatically be registered, with those who do not want to be on the rolls being able to opt out, and that registrations should be portable, allowing voters to stay registered after they move.

Mr. Potter and Mr. Elias said they had not heard much opposition yet to their idea, but noted they understood there could be security and privacy concerns about an automated system.

But Mr. Potter added that he did not believe either party would gain an advantage if the system were reformed, saying that who actually votes makes a huge difference, while who is registered to vote does not.

The Voters: New Bipartisan Group Calls for Voter Registration Reform

Washington Post 44 Blog

By Dan Eggen

August 31, 2009

http://voices.washingtonpost.com/44/2009/08/31/new_bipartisan_group_calls_for.html

In the wake of another presidential election featuring disputed allegations of voter fraud, a bipartisan group of former lawmakers and elections experts is banding together to call for streamlining America's outmoded registration system.

The Committee to Modernize Voter Registration, announced at a press conference Monday, includes former Senate majority leader Tom Daschle, former Missouri senator John Danforth and former House members Harold Ford Jr. (Tenn.) and Susan Molinari (N.Y.). The panel will be led by lawyers Marc Elias, who led the recount effort for Sen. Al Franken (D-Minn.), and Trevor Potter, former general counsel for the 2000 and 2008 campaigns of Sen. John McCain (R-Ariz.).

Organizers say the committee will focus on making recommendations for Congress and the states to consider as they update the country's voter registration system, which now consists of a patchwork of locally run systems largely dependent on paper records.

Potter said in a statement that the panel "will help ensure that the effort remains focused and bipartisan."

"Both parties recognize that having a 19th Century voter registration system for the 21st Century is not where we want to be," he said. "There is a window of opportunity to put in place a modern system that matches our technology."

The formation of the panel was announced at the National Press Club along with the release of a study by the Pew Center on the States, which calls the current system "outdated, costly and inaccurate."

"These outmoded practices and procedures create a system that is susceptible to human error from start to finish," the center said in a summary of its findings.

The Pew group suggests creating common standards for voter records to allow sharing of data, with the eventual goal of giving each citizen a single voter record that can be easily updated as they move around.

Calls for modernizing voter registration have arisen regularly in reaction to emotional election disputes.

The 2000 presidential race resulted in a hard-fought recount battle that eventually ended in favor of Republican George W. Bush, prompting federal legislation revising vote-count procedures. Last year's presidential race also included GOP criticisms of the tactics used by Acorn and other liberal groups that manage voter-registration drives.

But moves toward uniformity have also met objections from critics concerned about privacy and security issues.

In addition to prominent lawyers and politicians, the modernization committee includes Thomas Mann of the Brookings Institution, Norm Ornstein of the American Enterprise Institute and several state and local elections officials.

A Bipartisan Consensus on Voter Registration?

WeeklyStandard.com

Emily Esfahani Smith

September 1, 2009

http://www.weeklystandard.com/weblogs/TWSFP/2009/09/a_bipartisan_consensus_on_vote_1.asp

Forget health care, the Iraq war, and economic stimulus -- "the big issue of [the] 2008 [election] was voter registration." So says Doug Chapin, the director of election initiatives for the PEW Center on the States, which yesterday hosted a meeting introducing the new 13-person Committee to Modernize Voter Registration.

The Committee is co-chaired Trevor Potter and Marc E. Elias who are, respectively, the former general counsel to the McCain campaign in 2000 and 2008 and the former general counsel to the Kerry-Edwards

campaign in 2004. More recently, Mr. Elias served as the lead lawyer for Senator Al Franken who prevailed in the recount for the Minnesota race.

Mr. Elias and Mr. Potter know, from their on the ground experience working campaigns, that the current paper-based, manually-processed voter registration system is a relic of the 19th century and needs to be updated to reflect American society in the 21st century. In other words, it needs to reflect a highly mobile, efficiency-driven, cost-saving society. The solution? The committee argues that the voter registration system needs to be automated in every state.

Voter registration has always been a hotly politicized issue. Any effort to strengthen voter ID laws is met with cries of “disenfranchisement” from Democrats, while Republican are quick to denounce the efforts of third party registration efforts as “fraud.” Despite their political differences, Potter and Elias can see eye to eye solving the problem of voter registration, even if they came to that solution from different paths.

For Potter, the infamous third party registration efforts of ACORN “epitomized and encapsulated the problems we ended up facing” in terms of voter registration -- problems like Donald Duck registering to vote. Potter explains that when there are people eligible to vote but not registered, then groups like ACORN have a financial and political incentive to register as many people as possible. Regardless of their eligibility to vote, the more people an ACORN official registers, the more likely that official is to keep his job. Mr. Potter champions an automated voter registration system for its improved integrity and accuracy, among other reasons.

Coming at it from a different angle, Elias explains that the clumsy paper-based system prevented thousands of eligible voters from being able to vote, or from having their votes counted. Elias points to the fact that in the recent Minnesota debacle, absentee voters were sent ballots that either contained voter registration cards or did not contain voter registration cards. The only problem was that some registered voters received voter registration cards, while some unregistered voters did not, creating confusion and error for the voter and for the county officials who processed the ballots.

Another problem was that absentee voters were asked to put their ballots in a secret envelope, and put that secret envelope in an outer envelope that was mailed to the appropriate county -- but certain voters mistakenly placed their voter registration cards in the secret envelope, which election officials did not open for fear of compromising the secrecy of the ballot. Those votes, in turn, were not initially counted.

Potter and Elias agree that modernizing the voter registration system will save states money in the long run, though they did not quite know how much states would save, nor how much automating voter registration would cost. But according to the PEW Center on the States, when Canada modernized its system in 1996, it cost \$13.3 million, but ultimately saved the nation \$150 million.

The Committee to Modernize Voter Registration plans to work with Congress to propose a bipartisan bill that federally mandates an automated voter registration system. If they start now, legislation may be enacted by the 2012 elections. According to PEW, Senator Chuck Schumer has indicated his interest in supporting such a bill, and Potter notes that there’s “potential interest” on the GOP side, though he would not say whether he was in touch with his old boss, Senator John McCain, about such a bill.

While the Constitution says that elections are run by states and localities unless Congress chooses to intervene, Elias and Potter are emphatic that their initiative is not a federal takeover of state-run elections. Rather, federal data -- like the selective service list, or immigration lists, or social security lists -- will be resources that states could use to automatically register eligible voters. Then, voters can opt-out of the system if they do not wish to be registered -- "the presumption is you're in, not out," says Elias.

According to PEW and the committee, the presumption that you're out is costing states millions of dollars and costing voters their right to vote, like in the case of Florida in 2000 and Minnesota in 2009. While Potter and Elias' plan to streamline voter registration sounds good on paper, in the coming months, they'll need to solidify their proposal if it is to gain traction.

Election Lawyers, Politicians Kick Off Drive to Modernize Voter Registration

Roll Call

Shira Toeplitz

August 31, 2009

<http://www.rollcall.com/news/38064-1.html>

Correction Appended

Two top election attorneys, one a Democrat, the other a Republican, called Monday for a national modernization of voter registration.

Democratic recount lawyer Marc Elias and Republican campaign attorney Trevor Potter announced that they are forming the bipartisan Committee to Modernize Voter Registration. Although the committee does not have specific legislation in mind, Potter and Elias said they hope to serve as resources and advocates for improvements to the current registration laws.

"The committee has been formed," Elias said. "We're here today to say that this is something this committee is going to work toward, to promote, be a resource for those on Capitol Hill. ... It doesn't mean that we have every answer to every question about how this will be implemented."

Potter and Elias personally witnessed some of the problems with the current voter registration system during the last few election cycles.

Potter said he thought many registration issues were resolved after the debacle in Florida in 2000 and after Congress passed the Help America Vote Act in 2002, but his work as counsel to national Republican campaigns in the 2004 and 2008 elections showed him otherwise.

"The registration system is operating on an infrastructure left over from horse and buggy days," Potter said, citing the use of temporary workers to cull registration lists and the fact that voter rolls are often incomplete.

Both attorneys said they supported matching state voter rolls with federal lists, such as immigration and Selective Service lists. Potter also specifically advocated for allowing voters to opt out of registering at the Department of Motor Vehicles instead of opting to sign up under the National Voter Registration Act of 1993, otherwise known as the Motor Voter Act.

Elias said the issues “really came home for me” last cycle in Minnesota, where he was the lead attorney for Sen. Al Franken’s (D) recount team. Even though Minnesota has same-day voter registration, Elias said the problems with voter registration became obvious during the recount — a contest Franken eventually won by 312 votes after a long and litigious battle.

“But it shouldn’t take eight months and millions of dollars to get to that point where the issue involves voter registration,” Elias said.

The venture was organized by the Rockefeller Family Fund, and several notable former Members of Congress and state leaders have signed on, including former Sen. John Danforth (R-Mo.), former Senate Majority Leader Tom Daschle (D-S.D.), former Rep. Harold Ford Jr. (D-Tenn.), and former Rep. Susan Molinari (R-N.Y.).

Correction: Aug. 31, 2009

The article misstated who organized the modernization initiative. It was the Rockefeller Family Fund.

DC power brokers launch effort for federal voter registration help

The Hill

By Aaron Blake

August 31, 2009

<http://thehill.com/homenews/campaign/56881-dc-power-brokers-launch-effort-for-federalized-voter-registration>

A bipartisan group of Washington power brokers wants to streamline the voter registration process by getting the federal government involved.

The newly created panel, which calls itself the Committee to Modernize Voter Registration, announced its organization and a barebones strategy on Monday. The goal is to make it easier for voters to get registered and bring the system up to speed with technologies that are available.

Right now the process is left almost exclusively to states, and the committee says that has led to an outdated, shoddy patchwork system that is vulnerable to a myriad of problems.

The committee is headed by GOP lawyer Trevor Potter and Democratic lawyer Marc Elias, who have served as general counsel to their parties’ respective nominees in the last two presidential elections – Potter with Sen. John McCain (R-Ariz.) in 2008 and Elias with Sen. John Kerry (D-Mass.) in 2004.

Also signing on are former Sens. Tom Daschle (D-S.D.) and John Danforth (R-Mo.), as well as former

Reps. Harold Ford Jr. (D-Tenn.) and Susan Molinari (R-N.Y.). The proposal is also backed by the Pew Center on the States, Thomas Mann of the Brookings Institution and Norm Ornstein of the American Enterprise Institute.

Potter said other pieces of federal legislation, such as the Help America Vote Act (HAVA), haven't been successfully implemented, and that he has become convinced a new federally focused system is the way to go.

He cited the increased turnout in the 2008 election and consternation over third-party voter registration groups as an impetus for the effort.

"The registration system is operating on an infrastructure left over from horse-and-buggy days," Potter said.

Potter frequently mentioned the example of ACORN, a Democratic-leaning third-party voter registration group which was accused of fraudulent voter registrations in the closing days of the 2008 election. He said a federal voter registration movement would eliminate much of the controversy surrounding third-party groups.

Elias, meanwhile, discussed the need for the program by talking about the recount effort he spearheaded on behalf of now-Sen. Al Franken (D-Minn.) over the last year.

Elias said even Minnesota's voter registration system, which is based in one of the most electorally proficient states in the country, left something to be desired.

"It would seem that, if there were anywhere in the country that would not have had an issue with voter registration, it would have been Minnesota," Elias said.

The proposal set forth by the committee advocates using existing databases to automatically register voters. An example would be using the federal Selective Service database to alert states when a newly eligible voter reaches the age of 18.

It also would like registrations to be portable, so that there is not confusion or re-registration when voters move within their home state.

The committee says the new program would wind up saving money by taking the onus off of state elections officials who are already stretched thin and could find their forces decimated by current state budget cuts.

Beyond that, though, the committee didn't get into many specifics. Elias said the formation of the committee and Monday's announcement was the first step of a long process.

But even as the group presented its case together, it was clear there will be some disagreements about implementation, and not just among partisans.

Doug Chapin of the Pew Center on the States electoral project emphasized the legislative process will chart its own path.

“The goal is to have a system that works,” Chapin said. “Whether that’s a federal mandate or states making those improvements on their own, the goal is a system that works. ... All the rest is the policy process.”

Potter emphasized that Pew might feel differently than the committee does about going federal with the issue.

“Our view is that there needs to be a federal mandate for improved registration in the states,” Potter said.

Rep. Zoe Lofgren (D-Calif.) has already introduced a bill that includes some of the finer points of the committee’s proposal, and the committee said Sen. Charles Schumer (D-N.Y.) has expressed interest in pushing the idea in the Senate Rules Committee, which he chairs.

It’s not clear where opposition will come from, but privacy concerns and state’s rights issues could be among the reasons cited for opposing the plan, the committee leaders said.

They estimated the process could take years, but hoped it might be ready for the 2012 or 2014 election.

-- This article was updated at 5:50 p.m.

Democratic, Republican Election Lawyers Join to Support Voter Registration Initiative

BNA

Kenneth Doyle

August 31, 2009

Prominent election lawyers who have battled for Democratic and Republican presidential candidates are coming together to support a plan to “modernize” voter registration by requiring states to track and automatically register all eligible voters within their boundaries.

Trevor Potter, an attorney who served as general counsel to Sen. John McCain’s (R-Ariz.) 2008 presidential campaign, announced the effort Aug. 31, along with Marc Elias, who was the top lawyer advising Sen. John Kerry’s (D-Mass.) presidential campaign in 2004.

Elias and Potter will co-chair a new Committee to Modernize Voter Registration, which is being funded by the nonprofit Pew Charitable Trusts. Other members of the committee include prominent former lawmakers, such as former Senate Democratic Leader Tom Daschle (D-S.D.) and former Sen. John Danforth (R-Mo.), as well as state and local officials and political scientists.

In a briefing for reporters, Potter and Elias said their effort stemmed from discussions after the last election between Potter and Robert Bauer, a law partner of Elias at the firm Perkins Coie, who served as general counsel for President Obama’s election campaign in 2008.

Bauer and Potter realized they had common ground in their views of needed improvements to the voter registration system, Potter indicated, seeing it as complex, inefficient and overwhelmed by mountains of paperwork.

Elias also cited his experience representing Sen. Al Franken (D-Minn.) in his drawn-out legal battle with former Sen. Norm Coleman (R-Minn.) over the results of the 2008 Senate election in Minnesota. Both sides in the Minnesota battle ended up recognizing flaws in the voter registration system that could be addressed better, Elias suggested.

Linking Databases to Registration

Specifically, the suggested fixes to be advocated by the new committee would be to modernize the voter registration system by using existing databases—such as the Selective Service System and Immigration and Naturalization Service records—to automatically register voters in the states. Access to such federal databases by state and local election officials would require new federal legislation, Potter noted.

One effect of improving the system would be to de-emphasize the role of third parties—such as the nonprofit organization ACORN—in registering new voters. Potter recalled that the role of ACORN became an issue in the 2008 presidential race because of charges that the group was signing up ineligible or nonexistent voters.

Elias indicated that Democrats do not necessarily have the same view as the mostly Republican critics of ACORN and other voter-registration groups but recognize that improvements could be made in registration systems rendering the role of such groups less prominent. The goal of such efforts, he indicated, would be a system where eligible voters would not have to seek the opportunity to register—or be sought out and registered by third parties—but would be placed on voter rolls automatically by the appropriate government agency.

Portable Registration Pushed

Additionally, the new Pew-backed committee is advocating for a system that would allow a registration to be portable so that voters are not forced to reregister when they move within a state and will include a fail-safe mechanism for any Election Day problems.

The Committee to Modernize Voter Registration said in a statement that using computer technology and existing government databases to automatically register voters also could save scarce financial and staff resources that would otherwise be spent shuffling, entering, and reviewing reams of paper registration forms.

While some improvements could be made by state and local voting officials on their own, the goal of the new committee will be to work for new federal legislation and a “federal mandate” that improvements be made in voting registration systems nationwide, Potter said. However, Potter and Elias acknowledged they are in an early stage of the process, with no comprehensive legislative proposal yet introduced and no firm legislative strategy for getting changes enacted.

Franken lawyer seeks overhaul of voter registration system

MinnPost.com

By Cynthia Dizikes

August 31, 2009

http://www.minnpost.com/cynthiadizikes/2009/08/31/11244/franken_lawyer_seeks_overhaul_of_voter_registration_system

WASHINGTON, D.C -- Marc Elias, lead recount lawyer for Sen. Al Franken, D-Minn., has resurfaced as part of a bipartisan group looking to overhaul the country's voter registration process.

Elias and Trevor Potter — general counsel for both of Sen. John McCain's presidential campaigns — will chair the Committee to Modernize Voter Registration. Both say their experiences have “persuaded them that the country needs to move toward a more automated registration system,” according to The New York Times.

While the details have yet to be worked out, Elias and Potter said that they had not heard much opposition to their general idea.