

Indiana (*Indiana Democratic Party v. Rokita and Crawford v. Marion County Election Board*):

The Indiana lawsuit is similar to its Georgia counterpart in content, though not in status. In Indiana separate lawsuits, now joined, were filed by the state Democratic Party and the Indiana Civil Liberties Union (ICLU). The Democratic Party's lawsuit is directed against the Indiana Secretary of State, while the ICLU's lawsuit involves the Marion County Board of Elections and the State of Indiana. Like Georgia, Indiana law also requires citizens voting in person to present some form of official photo identification. IC § 3-11-8-25.1. Voters unable to present identification are given a provisional ballot, which is counted if they are able to provide the required identification by Noon on the second Monday following the election. IC § 3-11.7-5-1. Unlike Georgia, Indiana provides state issued identification at no charge. However, there are costs involved in the process, including transportation to the Bureau of Motor Vehicles, and payment for documents such as birth certificates, which are needed to obtain the ID. (Second Am. Compl. 6).

The Democratic Party's complaint raises Fourteenth Amendment claims similar to those in the Georgia lawsuit, including concerns about substantially burdening the right to vote, the enactment of a de-facto poll tax from the costs indirectly associated with obtaining ID, and the lack of applicability to voters who cast an absentee ballot. (Second Am. Compl. 6-9). In addition, the complaint alleges that the substantial burden placed on the right to vote violates the First Amendment protection of expressive or symbolic speech, as well as the freedom of association as applied to Democratic primary elections. (Second Am. Compl. 9-10). Finally, the complaint alleges violations of the Voting Rights Act, National Voter Registration Act, and the Help America Vote Act (Second Am. Compl. 10-11). The ICLU's complaint alleges many of the same violations, but also includes claims of a violation of Indiana's constitutional guarantee of a free and equal election system. (Compl. 15)

The case is currently in the pre-trial phase, with both sides awaiting decisions on their respective motions for summary judgment.⁴ The likelihood of success is bolstered by the fact that the Fourteenth amendment constitutional claims have already been found persuasive by at least one other Federal District Court. However, the Indiana law is notably different than its Georgia counterpart in that it provides free identification. While the plaintiffs make a solid argument that related costs still amount to a poll-tax, it is possible that the court could distinguish on this matter.

Unlike the Georgia case, the Indiana lawsuit also claims a violation of the Help America Vote Act. Although the claim is not completely clear, it seems as though the Plaintiffs are arguing that the Indiana statute requires more stringent identification than what is required by HAVA. 42 U.S.C. § 15483(b)(1)-(2). While this is true, it is unclear how this violates the statute. HAVA merely states that certain voters unable to produce HAVA required identification be given a provisional ballot. *Id.* Indiana law meets this requirement. IC § 3-11-8-25.1. Although Indiana law requires more stringent identification for counting the provisional ballot, HAVA leaves these decisions to state law. 42 U.S.C. § 15482(a).

⁴ According to an AP article, the Plaintiffs filed some type of brief on December 21—however it is not yet up on the Moritz website and I am unsure how to access it otherwise.

**APPENDIX C: ANALYSIS OF EFFECTS OF
VOTER ID REQUIREMENTS ON TURNOUT**

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Introduction

A key area of disagreement in the policy debate over voter identification requirements concerns whether such requirements dampen turnout among those eligible to vote. Opponents of voter identification laws argue that they constitute an institutional barrier to voting, particularly among the poor, African-Americans, Hispanics, the elderly and people with disabilities (Baxter and Galloway 2005, Electionline.org 2002, Jacobs 2005, Young 2006). This argument holds that voter identification requirements create an extra demand on voters, and thus may discourage some of them from participating in elections. Further, critics of voter identification requirements contend that the effect is greater based on specific types of requirements. Critics argue that requiring voters to produce some form of government-issued photo identification on Election Day is more demanding than requiring, for example, that they state their names at the polling place because of the various steps needed to procure a photo identification card, such as a driver's license. Supporters of voter identification requirements, on the other hand, argue that the requirements are necessary to combat voter fraud, safeguard the integrity of the electoral process, and engender faith in the electoral process among citizens (Young 2006).

This report examines the potential variation in turnout rates based on the type of voter identification requirement in place in each state on Election Day 2004. This report draws from two sets of data – aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. Classification of voter identification requirements comes from a review of state statutes conducted by the Moritz College of Law at the Ohio State University.

Types of voter identification requirements

Based on research by the Moritz College of Law, states had one of five types of requirements in place on Election Day 2004. Upon arrival at polling places, voters had to either: state their names (10 states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (seven states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹ It was then possible to code the states according to these requirements, and test the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification.

But election laws in numerous states offer exceptions to these requirements if individuals lack the necessary form of identification, and laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot (as opposed to a provisional ballot). Thus it is also possible to categorize states based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum

¹ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). For the purposes of this analysis I also tested the array of minimum identification requirements to assess whether they posed increasing levels of demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit.

Estimating turnout among citizens in the voting-age population

This report examines turnout among U.S. citizens of voting age in both the aggregate- and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

In the aggregate data, determining the percentage of the voting-age population that has U.S. citizenship posed a methodological challenge. The Census Bureau gathers information on the citizenship status of adults ages 18 and older only during the decennial census. While the Census Bureau provides annual estimates of the population to account for changes between decennial censuses, the bureau does not offer estimates for the proportion of the adult population who are citizens as part of the annual estimates. To address this issue I estimated the 2004 citizen voting-age population for each county using a method reported in the analysis of the 2004 Election Day Survey conducted for the U.S. Election Assistance Commission (U.S. Election Assistance Commission, 2005). I calculated the percentage of the 2000 voting-age population who were citizens in 2000, and applied that percentage to the July 1, 2004 estimates for voting-age population in each county. In other words, I assumed that the percentage of the voting-age population that had U.S. citizenship in 2004 was similar to the percentage of the voting-age population who were citizens in 2000.²

Analysis of aggregate data

If one treats maximum voter identification requirements as a continuous variable, with photo identification as the most demanding requirement, one finds some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30$, $p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20$, $p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

[Table 1 here]

² McDonald and Popkin (2001) recommend an even more stringent approach to voter turnout calculations. They point out that voting-age population estimates include adults who are ineligible to vote (such as convicted felons), and the estimates overlook eligible citizens living overseas. While estimates of the voting-eligible population are available at the state level, I was unable to find such estimates for individual counties, which provide the unit of analysis for the aggregate data analyzed here.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.2 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, I opted to treat the voter identification requirements as a series of dichotomous variables in subsequent analyses.³

Voter identification requirements alone do not determine voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. I estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county.

I coded the voter identification requirements as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). I omitted the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

To capture electoral context I included whether the county was in a presidential battleground state (any state in which the margin of victory for the winning candidate was five percent or less), and whether the county was in a state with a competitive race for governor and/or the U.S. Senate (also using the threshold of a margin of victory of five percent or less). Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering to register to vote becomes more challenging. Thus I added a variable to reflect the number of days between each state's registration deadline and the election.⁴

Drawing from U.S. Census projections for 2003, I included the percentage of the voting-age population in each county that was Hispanic or African-American to control for ethnicity and race. I controlled for age using the 2003 Census projection for the percentage of county residents age 65 and older, and I controlled for socioeconomic status by including the median household income for 2002 in each county.⁵

³ Treating maximum voter identification requirements as a continuous variable yielded results in which voter identification requirements were negatively related to aggregate turnout. Those results can be found in Table A-1 in the Appendix to this report.

⁴ For states that had Election Day registration or no registration requirement (North Dakota), I assigned a value of zero to this variable.

⁵ To bring the income figures into a scale comparable to those of the other variables, I used the natural log of median household income.

I estimated a series of random effects models to account for the likelihood that data from counties were correlated within each state (for further explanation of random effects and other multilevel models, see Bryk and Raudenbush 1992, Luke 2004, Singer 1998).⁶ I allowed the median income variable to have both fixed and random effects in each state to take into account variation in the cost of living in each state. The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the estimated citizen voting-age population that voted in the 2004 election.

[Table 2 here]

Turning first to an analysis using the maximum identification requirements, two of the four requirements had a small and negative effect on turnout in 2004: matching one's signature and providing a non-photo identification. Taking into account the reference variable of stating one's name, the results indicate that turnout was lower in states that required signature matches or a non-photo identification than in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Two contextual factors -- whether the county was in a state that was a battleground state and whether that state had a competitive race for governor and/or U.S. Senate-- increased voter turnout. The time between the closing date for registration and the election had a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income had positive effects on turnout. The percentage of African-Americans in the county did not have a significant effect.

The effects of the minimum voter identification requirements were non-existent. None of the dummy variables for voter identification requirements were statistically significant. Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to have a negative effect on turnout, as did the number of days between the closing date for registration and the election.

I then sought to test the hypothesis that voter identification requirements dampen turnout among minorities, a claim voiced by some critics of the requirements. To test this idea I incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. A chi-square test of the difference in the deviance for each model (represented by -2 log likelihood in Table 2), showed no significant improvement by including the interactions ($p > 0.05$). I report the coefficients for the models with the interactions in the Appendix in tables A-2 and A-3.

Analysis of the aggregate data at the county level generates some support for the hypothesis that as the identification requirements for voting vary, so does turnout. Specifically, in terms of the maximum requirements, the results suggest that requiring a signature match or non-photo identification is negatively related to turnout compared to requiring that a voter state his or her name. But the analysis showed that adding interactions between identification

⁶ The data analyses provided evidence that there was, indeed, a clustering of data within each state. The intraclass correlation, bounded by 0 and 1, measures the variation between the states. A random intercept model using only the intercept as a predictor generated an intraclass correlation of .43, indicating considerable variation between the states.

requirements and the percentage of the county that was African-American or Hispanic did not improve the fit of the model to the data.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote. For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).⁷ Married individuals also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993). To fully explore the effects of voter identification requirements on turnout, it is important to examine individual-level data as well.

Individual-level analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the advantages of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.⁸ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The analyses reported here are based on reports from self-described registered voters. I omitted those who said they were not registered to vote. I also excluded those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. In addition, I eliminated from the sample respondents who said they were not U.S. citizens because the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey.

The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.⁹ As in the analysis of aggregate data, I coded the voter identification requirements as a series of dummy variables, coding each variable as one if the

⁷ A reviewer for an earlier version of this paper recommended adding an education variable to the aggregate model. One version of the aggregate model not reported here included the percentage of adults in the county who had at least a college degree. The measure was highly collinear with the percentage of residents living below the poverty line, necessitating removal of the college degree variable from the model.

⁸ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

⁹ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). I omitted the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.¹⁰

In addition to the voter identification requirements, the models include two other state-level factors that might have influenced turnout in 2004: whether the state was considered a battleground state in the presidential election, and whether there was a gubernatorial and/or U.S. Senate race in the state (see Alvarez and Ansolabehere 2002, Alvarez et al. 2004, and Kenny et al. 1993 for similar approaches). As in the aggregate data analysis, the threshold that determined whether the state was a battleground state or had a competitive statewide race was a margin of victory of five percent or less.¹¹ At the individual level, I controlled for gender, household income, and dummy variables for race/ethnicity, age and education. In terms of race and ethnicity, I created dummy variables to represent whether a voter was Black/non-Hispanic, Hispanic, or Asian (with white/non-Hispanic/other voters as the omitted category for reference purposes). I separated education into five dummy variables: less than high school, high school diploma, some college, college graduate, and graduate training. I omitted the "less than high school" variable from the model for reference purposes. Regarding age, I created four dummy variables to represent 18 to 24 years of age, 29 to 44, 45 to 64, and 65 years and older. I omitted the 18-to-24 category as the reference variable in the model.

Drawing on previous research on voting behavior, I also controlled for whether an individual was employed, or at least a member of the workforce (as opposed to being a full-time student, a homemaker, or retired). Both employment and workforce membership have been shown to be positive predictors of turnout (see Mitchell and Wlezien 1995). Marital status, whether one is a native-born citizen and residential mobility also have emerged as significant predictors of turnout (Alvarez and Ansolabehere 2002, Alvarez et al. 2004, Kenney et al. 1993, Wolfinger and Rosenstone 1980). I included in the model variables for whether a respondent was married (coded 1 if yes, 0 otherwise), and whether one was a native-born citizen (coded 1 if yes, 0 otherwise). I measured residential mobility by coding for whether the respondent had moved to a new address in the six months prior to the interview (coded 1 if yes, 0 otherwise).

Results

The dependent variable is whether a respondent said he or she voted in the November 2004 election (coded 1 for yes, 0 for no). I estimated models using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted. I estimated the models using robust standard errors to control for correlated error terms for observations from within the same state.

[Table 3 here]

¹⁰ Earlier versions of this paper included an individual-level analysis that included the five maximum voter identification requirements combined into a continuous variable. The results of that analysis, which found that voter identification requirements had a negative relationship with turnout, can be found in table A-4 in the Appendix.

¹¹ Given that the individual-level analysis focused on registered voters (as opposed to the citizen voting-age population in the aggregate analysis), I did not include the closing date for registration as a predictor of turnout in the individual-level analysis.

The two models in Table 3 use either the maximum or minimum voter identification requirements in each state. The two models generate similar results. In each model, three of the voter identification requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004. In other words, compared to states that require voters only to state their names, the requirements to sign one's name, provide a non-photo identification, photo identification in the maximum requirements or affidavit in the minimum requires exert a negative influence on turnout.

Of the other state factors, only the competitiveness of the presidential race had a significant effect on turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had finished high school. Respondents who had moved within six months before the interview were less likely to say they had voted.

While the probit models provide statistical support for the influence of voter identification requirements and other variables on turnout, probit coefficients do not lend themselves to intuitive interpretation. Another common approach in studies of election requirements is to examine how the predicted probability of voter turnout would vary as election requirements vary. I used the probit coefficients to calculate the predicted probability of voting at each level of voter identification requirements while holding all other independent variables in the models at their means.¹² I calculated the probabilities taking into account both maximum and minimum requirements.

[Table 4 here]

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability appear to decline from stating one's name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.¹³ In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those lower in education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum

¹² In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

¹³ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

requirement and 7 percent lower in states that required an affidavit as the minimum requirement compared to states where stating one's name was the maximum or minimum requirement.

Race and ethnicity have generated particular interest in the debate over voter identification requirements. But incorporating dummy variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, I divided the sample into sub-samples and re-ran the probit models.

[Table 5 here]

The effects of voter identification requirements were similar for white voters compared to the entire sample, which was not surprising given that white voters comprised 81 percent of the sample. Voters in states where the maximum requirement involved signing one's name, providing a non-photo identification or photo identification were less likely to vote than those in a state that required voters to give their names. Taking into consideration the minimum requirements, this was true only for voters in states that require a non-photo identification or an affidavit. White voters in photo identification states were 3.7 percent less likely to vote than were white voters in states where respondents gave their names. The difference in probability was 4.4 percent for voters in states where an affidavit was the minimum requirement.

Voter identification requirements also influenced turnout among Black voters, but to a lesser extent relative to white voters.

[Table 6 here]

Of the maximum voter identification requirements, only the non-photo identification requirement reduced turnout compared to turnout in states that required voters to state their names. The predicted probability of voting was 5.7 percent lower for Black respondents in states that required non-photo identification. In terms of age, only African-Americans age 65 and older were more likely to vote than respondents in the 18 to 24 referent group. Respondents in all levels of education were more likely to vote than respondents without a high school diploma. Gender, income, living in a battleground state, being a part of the workforce and having been born in the United States also were positive predictors. Recent mobility tended to lower the probability of voting. None of the minimum identification requirements had a significant effect on voting, while most of the remaining variables had effects similar to those in the maximum requirement model.

Hispanic voters also were less likely to vote in states that required non-photo identification as opposed to stating one's name.

[Table 7 here]

Using the coefficients from Table 7 to calculate predicted probabilities, for both the maximum and minimum requirements, Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name. Hispanic voters ages 45 to 64 and 65 and over were more likely to vote than their 18-to-24-year-old counterparts. Education and income also were positive predictors of voting. Interestingly, being

a native-born citizen lowered the probability of voting, while native-born citizenship was a positive predictor for African-American voters and was not a predictor at all for white voters. It may be that naturalized citizens of Hispanic descent are more conscious of the value of voting rights than other groups.

Varying voter identification requirements influenced Asian-American voters as well. As with Hispanic and Black voters, Asian-American voters were less likely to turn out in states with non-photo identification requirements than in states where voters gave their names.

[Table 8 here]

Using the probit coefficients to calculate predicted probabilities, Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement. Asian-American voters also were 2.2 percent less likely to vote when signatures were the maximum requirement compared to stating one's name.

In terms of other predictors, there were no significant differences in terms of age or income. In contrast to Hispanic voters, where one was a naturalized or natural-born citizen did not affect the probability of voting. Those with high school or college diplomas or graduate training were more likely to turn out than those with less than a high school diploma. Women and married voters also were more likely to turn out than men and voters who were not married.

Discussion and conclusion

The results presented here provide evidence that as voter identification requirements vary, voter turnout does as well. This point emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall effect for all registered voters was fairly small, but still statistically significant.

In the aggregate data, requirements that voters match signatures on file or provide a non-photo identification had negative effects on turnout compared to requiring that voters state their names. Interactions with specific groups – African-Americans and Hispanics – did not improve the fit of the aggregate data to the models. But differences emerged among specific groups in the individual-level data. For the overall sample, the signature, non-photo identification and photo identification requirements all had negative effects compared to the requirement that voters simply state their names. These effects translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters (the gap widened to 3.7 percent for white voters when comparing photo identification to simply stating one's name).

That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements. This begs the question as to why photo identification requirements did not have a greater influence in 2004. It may have been due to the fact that

photo identification was a maximum requirement in only five states, and each of those states accepted another type of identification as a minimum requirement.

In examining the effects of voter identification requirements on turnout, there is still much to learn. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If these requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements?¹⁴ Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer this question. Knowing more about the “on the ground” experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

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¹⁴ The individual-level data offer some insight here. If advance knowledge of the voter identification requirements were to dampen turnout, it is reasonable to expect that advance knowledge of those requirements also could discourage some individuals from registering to vote. I ran the same probit models using the November 2004 Current Population Survey data and voter registration as the dependent variable (coded 1 if the respondent said he or she was registered, and 0 if the respondent was not registered). Of all of the voter identification requirements, only requiring signatures or matching signatures had a significant effect on whether a respondent said he or she was registered to vote in 2004. In each instance the effect was negative.

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Table 1 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.2 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.8 %

Match Signature 60.9 %
Provide Non-Photo 59.3 %
ID
Provide Photo ID 58.1 %
Average Turnout for
All States

Match Signature 61.7 %
Provide Non-Photo 59.0 %
ID
Swear Affidavit 60.1 %
60.9 %

Table 2. Predictors of 2004 turnout at the county level taking into account maximum and minimum voter identification requirements

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	-1.34**	0.14	-1.36**	0.4
Sign Name	-0.01	0.012	0.002	0.02
Match Signature	-0.03*	0.014	-0.001	0.02
Non-photo ID	-0.04**	0.013	-0.01	0.02
Photo Identification	-0.02	0.019	----	----
Affidavit	----	----	-0.01	0.02
Battleground State	0.04**	0.01	0.04**	0.01
Competitive Senate/Governor's Race	0.04**	0.01	0.04*	0.02
Registration Closing Date	-0.002**	0.0005	-0.003**	0.001
% African-American	0.02	0.01	0.02	0.01
% Hispanic	-0.05**	0.01	-0.05**	0.01
% Age 65 or older	0.82**	0.03	0.82**	0.03
Median Household Income	0.18**	0.01	0.18**	0.01
-2 Log Likelihood	-8953.8		-8946.9	

Coefficients are restricted maximum likelihood estimates. N = 3,111. * p < .05 ** p < .01 (one-tailed tests)

Table 3. Probit model of voter turnout.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized	Standard	Unstandardized	Standard
	Estimate	Error	Estimate	Error
Sign name	-0.11*	0.05	-0.08*	0.04
Match signature	-0.04	0.05	-0.03	0.05
Non-photo ID	-0.16**	0.06	-0.15**	0.05
Photo ID	-0.17**	0.07	---	---
Affidavit	---	---	-0.23**	0.06
Hispanic	-0.08	0.05	-0.08	0.05
African-American	0.24**	0.04	0.24**	0.04
Asian-American	-0.37**	0.07	-0.38**	0.07
Age 25-44	0.004	0.02	0.003	0.02
Age 45-64	0.26**	0.03	0.26**	0.03
Age 65+	0.43**	0.03	0.43**	0.03
High School	0.31**	0.02	0.31**	0.02
Some college	0.57**	0.03	0.57**	0.03
College	0.88**	0.04	0.88**	0.04
Graduate School	0.98**	0.05	0.98**	0.05
Household income	0.03**	0.003	0.03**	0.003
Married	0.23**	0.02	0.23**	0.02
Female	0.10**	0.01	0.10**	0.01
Battleground state	0.17**	0.04	0.18**	0.04
Competitive race	0.05	0.06	0.05	0.05
Employed	0.05	0.05	0.05	0.05
Member of workforce	-0.05	0.05	-0.05	0.05
Native-born citizen	0.02	0.04	0.02	0.04
Moved within past 6 months	-0.29**	0.03	-0.29**	0.03
Constant	-0.09	0.10	-0.09	0.09
Pseudo-R-Squared	0.09		0.10	

Notes: N = 54,973 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Table 4. Predicted probability of voter turnout – full model

	Maximum requirement	Minimum requirement
State name	0.917	0.915
Sign name	0.899	0.902
Match signature	(N.S.)	(N.S.)
Non-photo ID	0.890	0.890
Photo ID	0.888	----
Affidavit	----	0.875
Total difference from “state name” to “photo identification” or “affidavit”	0.029	0.040
N	54,973	

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies stating one’s name to providing photo identification or an affidavit, with all other variables held constant. N.S. = nonsignificant coefficient in the probit model.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

Table 5. Probit model of turnout for White voters.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized	Standard	Unstandardized	Standard
	Estimate	Error	Estimate	Error
Sign name	-0.10*	0.05	-0.07	0.04
Match signature	-0.04	0.05	-0.01	0.06
Non-photo ID	-0.14**	0.06	-0.14**	0.06
Photo ID	-0.22**	0.08	---	---
Affidavit	---	---	-0.26**	0.05
Age 25-44	-0.01	0.03	-0.01	0.03
Age 45-64	0.25**	0.03	0.25**	0.03
Age 65+	0.44**	0.04	0.44**	0.04
High School	0.36**	0.03	0.36**	0.03
Some college	0.64**	0.03	0.64**	0.03
College	0.95**	0.04	0.96**	0.04
Graduate School	1.05**	0.05	1.05**	0.05
Household income	0.03**	0.004	0.03**	0.003
Married	0.27**	0.02	0.27**	0.02
Female	0.09**	0.01	0.09**	0.01
Battleground state	0.16**	0.04	0.16**	0.04
Competitive race	0.07	0.07	0.07	0.06
Employed	0.08	0.05	0.08	0.05
Member of workforce	0.0003	0.05	0.003	0.05
Native-born citizen	0.08	0.08	0.08	0.08
Moved within past 6 months	-0.28**	0.03	-0.28**	0.03
Constant	-0.23*	0.11	-0.24**	0.10
Pseudo-R-Squared	.10		.10	

Notes: N = 44,760 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Table 6. Probit model of turnout for African-American voters.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized	Standard	Unstandardized	Standard
	Estimate	Error	Estimate	Error
Sign name	-0.13	0.09	-0.08	0.13
Match signature	-0.05	0.10	-0.17	0.13
Non-photo ID	-0.24**	0.07	-0.14	0.12
Photo ID	-0.10	0.12	----	----
Affidavit	----	----	-0.05	0.19
Age 25-44	-0.004	0.09	-0.004	0.09
Age 45-64	0.12	0.09	0.13	0.09
Age65+	0.30**	0.12	0.31**	0.12
High School	0.24**	0.06	0.25**	0.06
Some college	0.40**	0.07	0.40**	0.07
College	0.69**	0.08	0.68**	0.08
Graduate School	0.99**	0.19	0.98**	0.19
Household income	0.04**	0.01	0.05**	0.008
Married	0.11	0.07	0.11	0.07
Female	0.14**	0.04	0.14**	0.04
Battleground state	0.13*	0.07	0.21**	0.08
Competitive race	-0.10	0.07	-0.16	0.10
Employed	-0.09	0.11	-0.09	0.10
Member of workforce	-0.32**	0.12	-0.31**	0.11
Native-born citizen	0.31**	0.11	0.28**	0.12
Moved within past 6 months	-0.32**	0.06	-0.32**	0.06
Constant	0.16	0.18	0.12	0.17
Pseudo-R-Squared	0.09		0.09	

Notes: N = 5,013 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Table 7. Probit model of turnout for Hispanic voters.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized	Standard	Unstandardized	Standard
	Estimate	Error	Estimate	Error
Sign name	-0.20	0.20	-0.19	0.11
Match signature	-0.12	0.20	-0.18	0.12
Non-photo ID	-0.40*	0.20	-0.38**	0.13
Photo ID	-0.13	0.23	---	---
Affidavit	---	---	-0.25	0.16
Age 25-44	0.11	0.09	0.11	0.09
Age 45-64	0.35**	0.10	0.36**	0.10
Age65+	0.38**	0.11	0.40**	0.11
High School	0.18**	0.08	0.19*	0.08
Some college	0.46**	0.07	0.46**	0.07
College	0.63**	0.11	0.64**	0.11
Graduate School	0.72**	0.13	0.73**	0.13
Household income	0.03**	0.01	0.03**	0.01
Married	0.05	0.06	0.05	0.06
Female	0.09*	0.04	0.09*	0.04
Battleground state	0.31**	0.06	0.36**	0.07
Competitive race	-0.06	0.13	-0.05	0.13
Employed	0.13	0.12	0.14	0.12
Member of workforce	0.07	0.13	0.08	0.13
Native-born citizen	-0.18**	0.07	-0.20**	0.07
Moved within past 6 months	-0.38**	0.08	-0.39**	0.08
Constant	0.22	0.27	0.21	0.20
Pseudo-R-Squared	0.08		0.08	

Notes: N = 2,860 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Table 8. Probit model of turnout for Asian-American voters.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized	Standard	Unstandardized	Standard
	Estimate	Error	Estimate	Error
Sign name	-0.37**	0.20	-0.26	0.17
Match signature	-0.17	0.22	-0.01	0.21
Non-photo ID	-0.40**	0.21	-0.28*	0.16
Photo ID	-0.30	0.21	---	---
Affidavit	---	---	0.12	0.30
Age 25-44	-0.11	0.23	-0.10	0.23
Age 45-64	0.06	0.26	0.08	0.26
Age 65+	0.14	0.36	0.17	0.34
High School	0.54**	0.21	0.55**	0.21
Some college	0.36	0.31	0.36	0.31
College	0.67**	0.22	0.66**	0.23
Graduate School	0.57*	0.25	0.55*	0.26
Household income	0.01	0.01	0.01	0.01
Married	0.34**	0.13	0.34**	0.13
Female	0.16*	0.09	0.16*	0.08
Battleground state	0.29*	0.14	0.23	0.16
Competitive race	0.33*	0.19	0.27	0.22
Employed	-0.24	0.33	-0.25	0.33
Member of workforce	-0.54	0.35	-0.55	0.35
Native-born citizen	0.14	0.12	0.16	0.11
Moved within past 6 months	-0.38*	0.17	-0.39*	0.17
Constant	0.36	0.52	0.29	0.51
Pseudo-R-Squared	0.08		0.08	

Notes: N = 912 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Appendix

Table A-1. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements treated as a continuous variable.

Variable	Unstandardized Estimate	Standard Error
Intercept	-1.33**	0.14
Voter Identification Requirements	-0.01**	0.004
Battleground State	0.04**	0.01
Competitive Senate/Governor's Race	0.04**	0.01
% African-American	0.02	0.01
% Hispanic	-0.05**	0.01
% Age 65 or older	0.82**	0.03
Median Household Income	0.18**	0.01
Registration Closing Date	-0.002**	0.001
-2 Log Likelihood	-8970.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111.

* p < .05 ** p < .01 (one-tailed tests).

Table A-2. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements and interactions.

Variable	Unstandardized Estimate	Standard Error
Intercept	-1.39**	0.14
Sign Name	-0.02	0.013
Match Signature	-0.03*	0.02
Non-photo ID	-0.05**	0.01
Photo Identification	-0.05**	0.02
Battleground State	0.04**	0.01
Competitive Senate/Governor's Race	0.04**	0.01
% African-American	-0.02	0.03
% Hispanic	-0.22**	0.10
% Age 65 or older	0.8**	0.03
Median Household Income	0.18**	0.01
Registration Closing Date	-0.002**	0.001
Signature*African-American	0.02	0.04
Match Signature*African-American	0.16**	0.07
Non-photo ID*African-American	0.03	0.03
Photo ID*African-American	0.20**	0.05
Signature*Hispanic	0.14	0.09
Match Signature*Hispanic	-0.01	0.11
Non-photo ID*Hispanic	0.20**	0.09
Photo ID*Hispanic	0.03	0.11
-2 Log Likelihood	-8966.7	

Coefficients are restricted maximum likelihood estimates. N = 3,111.

* p < .05 ** p < .01 (one-tailed tests).

Table A-3. Predictors of 2004 turnout at the county level taking into account minimum voter identification requirements and interactions.

Variable	Unstandardized Estimate	Standard Error
Intercept	-1.39**	0.14
Sign Name	0.0003	0.016
Match Signature	-0.001	0.02
Non-photo ID	-0.02	0.02
Affidavit	-0.02	0.02
Battleground State	0.04**	0.01
Competitive Senate/Governor's Race	0.04**	0.02
% African-American	-0.02	0.02
% Hispanic	-0.19**	0.08
% Age 65 or older	0.82**	0.03
Median Household Income	0.18**	0.01
Registration Closing Date	-0.003**	0.001
Signature*African-American	-0.007	0.03
Match Signature*African-American	0.15**	0.05
Non-photo ID*African-American	0.04	0.03
Affidavit*African-American	0.18**	0.05
Signature*Hispanic	0.12	0.08
Match Signature*Hispanic	-0.03	0.11
Non-photo ID*Hispanic	0.17*	0.08
Affidavit*Hispanic	-0.04	0.10
-2 Log Likelihood	-8960.8	

Coefficients are restricted maximum likelihood estimates. N = 3,111.

* p < .05 ** p < .01 (one-tailed tests).

Table A-4. Probit model of voter turnout treating maximum voter identification requirements as a continuous variable.

Variable	Unstandardized Estimate	Standard Error
Voter Identification Requirements	-0.04**	0.02
Hispanic	-0.09	0.05
African-American	0.24**	0.04
Asian-American	-0.38**	0.07
Age 25-44	0.005	0.02
Age 45-64	0.26**	0.03
Age65+	0.43**	0.03
High School	0.31**	0.02
Some college	0.57**	0.03
College	0.87**	0.04
Graduate School	0.98**	0.05
Household income	0.03**	0.003
Married	0.23**	0.02
Female	0.10**	0.01
Battleground state	0.19**	0.04
Competitive race	0.04	0.05
Employed	0.05	0.05
Member of workforce	-0.05	0.05
Native-born citizen	0.02	0.04
Moved within past 6 months	-0.29**	0.03
Constant	-0.08	0.10
Pseudo-R-Squared		0.09

Notes: N = 54,973 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

**APPENDIX D: ANNOTATED BIBLIOGRAPHY
ON VOTER IDENTIFICATION ISSUES**

June 28, 2006

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Law Journals

- Angelo J. Genova & Rebecca Moll Freed, *The Right to Vote and Be Counted: A Liberty at Risk*, 233 N.J. LAW 44, Apr. 2005.
 - Discusses HAVA a lot
- George W. Grayson, *Registering and Identifying Voters: What the United States Can Learn From Mexico*, 3 ELECTION L.J. 513 (2004).
 - Benefits of US adopting Mexican system of identifying voters and voter registration
- Robert A. Pastor, *Improving the U.S. Electoral System: Lessons from Canada and Mexico*, 3 ELECTION L.J. 584 (2004).
 - Discusses HAVA, problems of 2000 election, discusses registration & identification
- Brian Kim, *Recent Development: Help America Vote Act*, 40 HARV. J. ON LEGIS. 579 (Summer 2003).
 - Discussion of HAVA requirements and voter ID, problems in 2000
- Robert L. McCurley, *Legislative Wrap-Up: Election Law Changes*, 64 ALA. LAW. 364, Nov. 2003.
 - Discusses changes in AL to their election law in 2003, including adding voter ID
 - HAVA discussed
- Clifford B. Levine, Esq. & David J. Montgomery, Esq., *Post-Election Litigation in Pennsylvania*, 41 Duq. L. Rev. 153 (Fall, 2002).
 - Discusses challenging elections based on voter fraud & illegal votes
- Rebecca Barrett, *Election*, 18 GA. ST. U. L. REV. 114 (Fall 2001).
 - Discusses a GA law in 2001 removing hunting & fishing licenses from list of acceptable ID and a failed amendment to limit acceptable ID to photo ID only
- Robert A. Junell, Curtis L. Seidlits, Jr. & Glen G. Shuffler, *Consideration of Illegal Votes in Legislative Election Contests*, 28 Tex. Tech L. Rev. 1095 (1997).
 - General discussion of ways voters are verified, what happens when voters are challenged as illegal voters
- John Victor Berry, *Take the Money and Run: Lame-Ducks "Quack" and Pass Voter Identification Provisions*, 74 U. DET. MERCY L. REV. 291 (Winter 1997).
 - discusses a photo ID law passed in Michigan in 1997 (later declared violated EPC of 14th amendment)
 - arguments against photo ID
- Deborah S. James, Note, *Voter Registration: A Restriction on the Fundamental Right to Vote*, 96 YALE L.J. 1615 (1987).
 - Discusses voter registration as a way to combat fraud & several different ways to do it

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- Gabrielle B. Ruda, Note, *Picture Perfect: A Critical Analysis of the Debate on the 2002 Help America Vote Act*, 31 FORDHAM URB. L.J. 235 (November 2003).
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 - Little bit of historical
 - Arguments for and against certain types of voter ID laws

- Kimberly C. Delk, *What Will it Take to Produce Greater American Voter Participation? Does Anyone Really Know?*, 2 LOY. J. PUB. INT. L. 133 (Spring 2001).
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- Jeanne S. Zaino & Jeffrey T. Zaino, *The Changing Landscape of Election Disputes*, 59 DISP. RESOL. J. 11 (Aug. – Oct. 2004).
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- Symposium, *Disability Law, Equality, and Difference: American Disability Law and the Civil Rights Model, Alabama Section*, 55 ALA. L. REV. 1167 (Summer 2004).
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- Bryan Mercurio, *Democracy in Decline: Can Internet Voting Save the Electoral Process*, 22 J. MARSHALL J. COMPUTER & INFO. L. 409 (Winter 2004).
 - Internet voting
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**APPENDIX E: STATE STATUTES AND REGULATIONS
AFFECTING VOTER IDENTIFICATION**

**Sara A. Sampson
Reference Librarian
Moritz College of Law
June 28, 2006**

Alabama

Summary:

In Alabama, all voters must show identification prior to voting at the polls. Ala. Code § 17-11A-1 (2005). The identification forms permitted are similar to the forms permitted under HAVA. *Id.* Alabama also permits a voter who lacks identification to be identified by two poll workers who can attest to the voter's identity. *Id.* If the voter lacks identification and no two poll workers can vouch for him, the voter may sign an affidavit and vote a provisional ballot. *Id.*

Absentee voters who registered by mail and are voting for the first time in an election for federal office must also provide identification. Ala. Code § 17-10A-1 (2005). They may provide the identification with their ballot or their registration or at any time prior to the election. *Id.* If an absentee voter required to provide identification does not provide it, his ballot will be considered a provisional ballot. Ala. Code § 17-10A-2 (2005). The voter must provide identification by the Monday following the election in order for his ballot to count. *Id.*

There are two bills pending in the Alabama legislature. One would eliminate social security cards as a valid form of identification. HB 218, 2005 Reg. Sess. (Ala. 2005). The other would require proof of citizenship with registration. HB 743, 2005 Reg. Sess. (Ala. 2005).

- **Statutes:** Ala. Code § 17-11A-1 (2005).
 - **Passed:**
 - § 17-11A-1 – 2003
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - HB 218, 2005 Reg. Sess. (Ala. 2005): eliminates social security card as valid identification [pending].
 - HB 743, 2005 Reg. Sess. (Ala. 2005): requires proof of citizenship with voter registration [4/6/05 in committee].
- **Case law (from annotations):** none
- **Administrative regulations:** none for voter identification.
- **What the law requires:**
 - **Is ID required?**
 - **At polls – all voters:**
 - All voters must show identification. Ala. Code § 17-11A-1 (2005).
 - **Absentee voters:**
 - Only those who registered by mail and have not voted in a federal election (HAVA requirement). Ala. Code § 17-10A-1 (2005).
 - **First time voters or all?**
 - All voters at polls. Ala. Code § 17-11A-1 (b) (2005).
 - **When?**

- At the polls for all in-person voters. Ala. Code § 17-11A-1 (2005).
- At either registration or with mailed ballot or prior to election day for voters voting by mail. Ala. Code § 17-10A-1 (2005).
- **What types of ID?**
 - Valid photo identification: government issued, issued by employer, student identifications from AL schools
 - Or
 - A copy of a current utility bill, bank statement, government check, or paycheck
 - Or
 - Other government document: identification card issued by government agency (AL state or federal), passport, AL hunting license, AL gun permit, pilot's license, military identification card, birth certificate, social security card, naturalization certificate, copy of court record of name change or adoption, or Medicare or Medicaid card
 - Or
 - Identified by two poll worker who will attest to the voter's identity.
 - Ala. Code § 17-11A-1 (2005).
- **State or federal elections?**
 - All elections. Ala. Code § 17-11A-1 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Ala. Code § 17-11A-1 (e) (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. Ala. Code § 17-10A-2 (b)(2) (2005).
 - Absentee voters whose ballots are considered provisional must provide identification by the Monday following the election or their ballots will not be counted. Ala. Code § 17-10A-2 (2005).
- **Challenge available at polls?**
 - No. Statute repealed in 2003. Ala. Code § 17-12-1 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 20, 2005
RE: States for ID requirements chart: Alaska

Alaska

Summary:

At the polls, all voters must provide proof of identification. Alaska Stat. § 15.15.225 (2005). Absentee voters are required to provide identification as well. Alaska Stat. § 15.20.081 (2005). The types of identification permitted are: an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, hunting or fishing license, an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document. Alaska Stat. § 15.15.225 (2005). Alternatively, a voter who is known to an election official may have the requirement waived (except if he registered by mail and is voting for the first time). *Id.* Without identification, a voter may sign a statement and vote a questioned ballot. *Id.*

There are no pending or recently passed bills concerning voter identification.

- **Statutes:** Alaska Stat. § 15.15.225 (2005).
 - **Passed:**
 - §15.15.225 – 1980
- **Session law/recent legislation passed:** none
- **Pending legislation:** none
- **Case law (from annotations):** none
- **Administrative regulations:** none concerning voter identification.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - None
 - **Absentee voters:**
 - Must provide proof of identification. Alaska Stat. § 15.20.081 (2005).
 - **At polls:**
 - All voters required to show identification at polls. Alaska Stat. § 15.15.225 (2005).
 - **First time voters or all?**
 - All voters. Alaska Stat. § 15.15.225 (2005).
 - **When?**
 - At polls. Alaska Stat. § 15.15.225 (2005).

- **What types of ID?**
 - An official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license;
- OR
- an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document; must show the name and current address of the voter;
- OR
- have the requirement waived because the voter is known to an election official (first time voters who registered by mail or fax may not have the requirement waived)
- Alaska Stat. § 15.15.225 (2005).
- **State or federal elections?**
 - All elections. Alaska Stat. § 15.15.225 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Questioned ballot. Alaska Stat. § 15.15.225 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Sign a statement. Alaska Stat. § 15.15.215 (2005); Alaska Stat. § 15.15.210 (2005).
- **Challenge available at polls?**
 - Yes. Alaska Stat. § 15.15.210 (2005).
- **Miscellaneous:**
 - Has early voting – early voters may vote early at specified locations for fifteen days prior to the election & must show identification (same forms and procedure as at the polls on election day). Alaska Stat. § 15.20.064 (2005).

MEMORANDUM

TO: Sara Sampson

FROM: Jamie LaPlante

DATE: July 21, 2005 [Note that the law has changed- the chart reflects law current to 9/1/05]

RE: States for ID requirements chart: Arizona

Arizona

Summary:

Recently, in the 2004 election, Arizona passed Prop. 200, which included a vague requirement of identification at the polls. All voters at the polls must provide either one form of identification with their name, address, and photo or two forms of identification with their name and address. Ariz. Rev. Stat. § 16-579 (2004). The requirement is not more specific regarding the types of identification accepted and the consequences of having no identification. The legislature and the governor have yet to agree on the specifics for this requirement.

There were four bills which were introduced in this session concerning voter identification. HB 2658 and 2044 would define the identification types broadly, similar to HAVA. HB 2658, 47th Leg., 1st Reg. Sess. (Ariz. 2005); HB 2044, 47th Leg., 1st Reg. Sess. (Ariz. 2005). SB 1186 and 1118 would also define identification broadly but would also require proof of citizenship at registration and showing identification prior to voting a provisional ballot. SB 1186, 47th Leg., 1st Reg. Sess. (Ariz. 2005); SB 1118, 47th Leg., 1st Reg. Sess. (Ariz. 2005). Both SB 1186 and 1118 passed both houses but were vetoed by the governor because of the identification requirement for provisional voting.

- **Statutes:** Ariz. Rev. Stat. § 16-579 (2004). [Part of Prop. 200 from 2004 election]
 - **Passed:**
 - § 16-579 – 2004
 - No details regarding particulars of these requirements have been decided between the legislature and governor; last proposal by legislature was vetoed by the governor.
- **Session law/recent legislation passed:** Prop. 200 in November 2004 (see above).
- **Pending legislation:**
 - HB 2658, 47th Leg., 1st Reg. Sess. (Ariz. 2005): defines identification as a document delivered through postal system, bill, bank statement, paycheck, government issued document, employee identification document, tribal document, military identification card, or passport; provides for provisional voting for those lacking identification. [2/15/05 second reading in House]
 - HB 2044, 47th Leg., 1st Reg. Sess. (Ariz. 2005): provides that any identification with the voter's address and matching the information in the signature record is sufficient. [third reading in House 3/3/05]
 - SB 1186, 47th Leg., 1st Reg. Sess. (Ariz. 2005): requires proof of citizenship at registration; requires identification in order to vote a

provisional ballot; does not specify identification types further than under Prop. 200 [vetoed on 5/20/05].

- SB 1118, 47th Leg., 1st Reg. Sess. (Ariz. 2005): similar bill [vetoed 4/1/05].

- **Case law (from annotations):** none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - None.
 - **Early voting:**
 - Must provide date and state of birth with request for early ballot. Ariz. Rev. Stat. § 16-542 (A) (2004).
 - If the voter is voting for the first time, he shall submit a copy of identification (HAVA compliance) [but keep in mind this statute was passed prior to Prop. 200, and when the specifics of the identification requirement are worked out, this requirement may be modified as well]. Ariz. Rev. Stat. § 16-542 (C) (2004).
 - **At polls:**
 - All voters must provide either one form of identification with their name, address, and photo or two forms of identification with their name and address [Prop. 200]. Ariz. Rev. Stat. § 16-579 (2004).
- **First time voters or all?**
 - All voters. Ariz. Rev. Stat. § 16-579 (2004).
- **When?**
 - At the polls. Ariz. Rev. Stat. § 16-579 (2004).
- **What types of ID?**
 - None specified yet.
- **State or federal elections?**
 - Both. Ariz. Rev. Stat. § 16-579 (2004).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Not specified yet.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Not specified yet.
- **Challenge available at polls?**
 - Yes. Ariz. Rev. Stat. § 16-591 (2004).
- **Miscellaneous:**
 - Has early voting in which any voter may take part. Ariz. Rev. Stat. § 16-542 (2004).

030163a

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 21, 2005
RE: States for ID requirements chart: Arkansas

Arkansas

Summary:

Arkansas voters are required to identify themselves and state their address or date of birth to election officials at the polls. Ark. Code Ann. § 7-5-305 (2005). They also must provide identification at the polls. *Id.* The forms of identification are the same forms as permitted under HAVA. *Id.* This requirement applies to state and federal elections. *Id.* Without identification, a first time voter who registered by mail must sign an affidavit and vote provisionally. *Id.* For all other voters without identification, they may vote a regular ballot, but precinct officials will note in the precinct list that they did not provide identification. *Id.* The prosecutor may wish to use the list to prosecute potential election fraud.

Arkansas also has early voting, but the procedure for identification is the same as election day voting.

As required by HAVA, absentee voters who registered by mail and are voting for the first time must provide identification with their ballot if they did not do so with their registration. Ark. Code Ann. § 7-5-201 (2005).

The legislature recently passed a bill which removes HAVA's vague language regarding provisional voters in the wrong precinct from its code. 2005 Ark. Acts 238. Arkansas makes it clear that a voter must be in the correct precinct in order for his vote to count. *Id.* There are also two bills pending this session which would require proof of citizenship at registration. SB 1111, 85th Gen. Assem. 2005 Reg. Sess. (Ark. 2005); SB 206, 85th Gen. Assem. 2005 Reg. Sess. (Ark. 2005).

- **Statutes:** Ark. Code Ann. § 7-5-305 (2005).
 - **Passed:**
 - § 7-5-305 – 1999; 2003 added provision for provisional vote for first time voters without identification
- **Session law/recent legislation passed:**
 - 2005 Ark. Acts 238: provides that voters in the incorrect precinct should be directed to the correct precinct; voters only permitted to vote a provisional ballot if they sign an affidavit that they are eligible in that precinct (changed “jurisdiction” to “precinct” – removed vague terms used in HAVA). [SB 256 – approved 2/17/05]
- **Pending legislation:**
 - SB 1111, 85th Gen. Assem. 2005 Reg. Sess. (Ark. 2005): requires evidence of citizenship for registration, which includes a driver's license if proof of citizenship was required, birth certificate, passport, naturalization

documents, tribal identification card, and other proof of citizenship under Immigration Act. [3/7/05 introduced and referred to committee]

- SB 206, 85th Gen. Assem., 2005 Reg. Sess. (Ark. 2005): requires evidence of citizenship for registration, which includes a driver's license if proof of citizenship was required, birth certificate, passport, naturalization documents, tribal identification card, and other proof of citizenship under Immigration Act. [1/26/05 introduced; 4/13/05 referred to a second committee]
- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Provide driver's license number or last four digits of social security number or state that he does not have either one. Secretary of State, Charlie Daniels, Voting 101: A Pocket Guide to Voting in the Natural State, 3, http://www.sosweb.state.ar.us/elections/elections_pdfs/education/voting101layout-all.pdf.
 - If a first time voter who registers by mail wishes to avoid the possibility of voting a provisional ballot, he should provide a copy of identification with his registration. Secretary of State, Charlie Daniels, Voting 101: A Pocket Guide to Voting in the Natural State, 3, http://www.sosweb.state.ar.us/elections/elections_pdfs/education/voting101layout-all.pdf. Then, if he has no identification at the polls, he may vote a regular ballot. *Id.*
 - **At polls:**
 - All voters must identify themselves and state their address or date of birth. Ark. Code Ann. § 7-5-305 (2005).
 - All voters must provide identification at the polls. Ark. Code Ann. § 7-5-305 (a)(8)(A) (2005).
 - **Early voting at polls:**
 - Same as election day at polls procedure. Secretary of State, Charlie Daniels, Voting 101: A Pocket Guide to Voting in the Natural State, 15, http://www.sosweb.state.ar.us/elections/elections_pdfs/education/voting101layout-all.pdf.
 - **Absentee voters:**
 - If they registered by mail and are voting for the first time, they must provide a copy of identification with their ballot. Ark. Code Ann. § 7-5-201 (2005).
 - **First time voters or all?**
 - All, although the consequences of not having identification differ between first time voters who registered by mail and other voters. Ark. Code Ann. § 7-5-305 (a)(8)(B) (2005).

- **When?**
 - At the polls. Ark. Code Ann. § 7-5-305 (2005).
- **What types of ID?**
 - Current and valid photo identification or 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. Ark. Code Ann. § 7-5-305 (a)(8)(A) (2005).
- **State or federal elections?**
 - All elections. Ark. Code Ann. § 7-5-305 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - **First time voters who registered by mail without providing identification:** must vote a provisional ballot. Ark. Code Ann. § 7-5-305 (a)(8)(B)(i) (2005).
 - **All other voters:** vote a regular ballot and election official notes on the precinct list that the voter did not provide identification. Ark. Code Ann. § 7-5-305 (a)(8)(B)(ii) (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - None except that the prosecutor reviews the list of voters who voted without identification and may prosecute election fraud. Ark. Code Ann. § 7-5-305 (a)(8)(B)(iv) (2005).
 - For first time voters voting by provisional ballot – affidavit. Ark. Code Ann. § 7-5-306 (2005).
- **Challenge available at polls?**
 - Yes but only by appointed poll watchers. Ark. Code Ann. § 7-5-312 (a)(1) (2005)

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: California

California

Summary:

California law does not require identification at registration or at the polls. The only identification procedures in place under state law are signature verification and requiring the voter recite his name and address prior to voting. Cal. Elec. Code § 14216 (2005). California does have a place on the registration form for driver's license or state identification number, and this information is checked against motor vehicle records. However, California does not require that voters provide this information as a prerequisite to registration. Cal. Elec. Code § 2150 (2005). The only identification procedures in place are those under HAVA, and the HAVA identification requirement for first-time registrants only applies in Federal elections. Cal. Code Regs. tit. 2, § 20107 (2005). California allows all types of identification under HAVA and liberally construes the identification requirement. *Id.*

There is a bill pending in the Senate, which would require all voters to show either one form of identification with name, address, and photograph or two forms of identification with name and address. S.B. 226, 2005-06 1st Extraordinary Sess. (Cal. 2005).

- **Statutes:** Cal. Elec. Code § 2188 (2005). & Cal. Elec. Code § 2150 (2005).
 - **Passed:**
 - §2188 – 1994 – effective 1/1/95
 - §2150 – 1995 – effective 1/1/96
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - SB 226 – would require all voters to show identification at polls (1 form w/ name, address & photograph or 2 forms w/ name & address) [2/15/05 – Introduced; 2/15/05 - To Elections, Reapportionment, and Constitutional Amendment Committee; 3/17/05 - Set hearing for April 6; 4/6/05 - Hearing, didn't pass Committee; 4/27/05 - Reconsideration granted]
 - S.B. 226, 2005-06 Sess. (Cal. 2005).
 - SB 1016 [passed Senate] – S.B. 1016, 2005-06 Sess. (Cal. 2005).
 - §2150 – does not add any voter identification provisions but would make minor changes to make clear that failure to provide social security number or driver's license number will not result in a failure to register
 - §2188 – amends an irrelevant portion of the section
- **Case law (from annotations):**
 - *People v. Gordon*, 5 Cal. 235 (1855): cannot require a challenged voter to produce proof of citizenship
 - *Richardson v. Ramirez*, 418 U.S. 24 (1974): felon disenfranchisement does not violate equal protection clause of Fourteenth Amendment

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- *Russell v. McDowell*, 23 P. 183 (Cal. 1890): concerning establishing prima facie case for fraudulent voting
 - **Administrative regulations:** Cal. Code Regs. tit. 2, § 20107 (2005).
 - **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - No, statute states that voters should put driver's license number or other identification on registration form but specifically states that it is not required for registration. Cal. Elec. Code § 2188 (2005); Cal. Elec. Code § 2150 (2005).
 - **At polls:**
 - Not beyond HAVA, announce name and address only. Cal. Elec. Code § 14216 (2005).
 - **First time voters or all?**
 - Nothing beyond HAVA, so just first time voters in Federal elections.
 - **When?**
 - HAVA – either at registration or when voter votes for first time
 - **What types of ID?**
 - (1) a current and valid photo identification: (A) a driver's license or identification card of any state; (B) a passport; (C) an employee identification card; (D) an identification card provided by a commercial establishment; (E) a credit or debit card; (F) a military identification card; (G) a student identification card; (H) a health club identification card; (I) an insurance plan identification card;
- OR
- (2) any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last general election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including: (A) a utility bill; (B) a bank statement; (C) a government check; (D) a government paycheck; (E) a document issued by a governmental agency; (F) a sample ballot issued by a governmental agency; (G) a voter notification card issued by a governmental agency; (H) a public housing identification card issued by a governmental agency; (I) a lease or rental statement or agreement issued by a governmental agency; (J) a student identification card issued by a governmental agency; (K) a tuition statement or bill issued by a governmental agency; (L) an insurance plan card issued by a governmental agency; (M) discharge certificates, pardons, or other official documents issued to the voter by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter; (N) public transportation authority senior citizen discount cards issued by a governmental agency; (O) identification documents issued by governmental disability agencies; (P) identification documents issued by government homeless shelters and other

government temporary or transitional facilities; (Q) a drug prescription issued by a government doctor or other governmental health care provider; (R) property tax statement issued by a governmental agency; (S) vehicle registration or certificate of ownership issued by a governmental agency. Cal. Code Regs. tit. 2, § 20107 (2005).

- **State or federal elections?**
 - Cal. Code Regs. tit. 2, § 20107 (2005) states that the identification requirement applies only to voters required to provide identification under HAVA, thus, only Federal elections.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Cal. Code Regs. tit. 2, § 20107 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - None, just vote provisionally subject to the normal restrictions and rules on provisional ballots. Cal. Code Regs. tit. 2, § 20107 (2005).
- **Challenge available at polls?**
 - Yes, challenge may be on several grounds: (1) the voter is not the person whose name appears on the index; (2) the voter is not a resident of the precinct; (3) the voter is not a citizen of the United States; (4) the voter has voted that day; (5) the voter is presently on parole for the conviction of a felony. Cal. Elec. Code § 14240 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Donnie Scheetz
DATE: August 11, 2005
RE: States for ID requirements chart: Colorado

Colorado

Summary:

Everyone must present some form of ID at the polls. A Social Security Number will not suffice. If one is registering to vote by mail or voting absentee, a form of ID must be included. To register at least the last four digits of the Social Security number will work. If no ID can be presented then the elector will vote absentee. The ID requirement is the same whether voting early or not.

- **Statutes:** C.R.S. 1-2-501(2)(B); C.R.S. 1-1-104(19.5); C.R.S. 1-2-204(2)(f.5); C.R.S. 1-7-201
 - **Passed:**
 - Articles 1 to 12 of this title were originally enacted as articles 1, 3, 4, 9 to 19, and 24 of chapter 49 in C.R.S. 1963. The substantive provisions of these articles were recodified in 1992, effective January 1, 1993. There were subsequent amendments in 2004.
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - None
- **Case law (from annotations):**
- Provisions not mandatory. To treat all of the provisions of this statute as mandatory so as to deprive those who attempt to register would provide an unequal application of the statute and an inconsistency not warranted by any express language in the enactment. Meyer v. Putnam, 186 Colo. 132, 526 P.2d 139 (1974).

Obtaining social security numbers from vast majority of voters is only directory. Meyer v. Putnam, 186 Colo. 132, 526 P.2d 139 (1974).

Administrative regulations: none

- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - If you are a first time voter who registers to vote by mail, you must submit a copy of on of the following forms of ID: valid driver's license, ID issued by the Department of Revenue, passport, employee identification with a photo issued by a governmental entity, pilot's license, military ID, copy of current utility bill, bank statement, government check or other government document that shows the name and address of the elector, Medicare or Medicaid card, copy of birth certificate,

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documentation of naturalization. Instead of any of those the elector may provide one of the following numbers: Driver's License number, Colorado Dept. of Revenue Identification number, or at least the last four digits of Social Security number.

http://www.sos.state.co.us/pubs/elections/id_requirements.pdf

- If you are a first time Voter who registers to vote in person, you must provide the number from one of the following forms of identification: Driver's License number, Colorado Department of Revenue Identification number, or at least the last four digits of the voter's Social Security number.
http://www.sos.state.co.us/pubs/elections/id_requirements.pdf
- If voting absentee, an elector must include a copy of one of the forms of ID listed above. If it is not included then the ballot is treated as a provisional ballot. *C.R.S. 1-8-113*
 - **At polls:**
 - If you vote in person (including early voting, polling place voting), you must provide a copy of any of the above forms identification. However, a Social Security Number (or last four digits) is NOT enough to vote in person.
http://www.sos.state.co.us/pubs/elections/id_requirements.pdf
- **First time voters or all?**
 - ID must be provided by all voters who vote in person.
- **When?**
 - At the polls
- **What types of ID?**
 - Listed above
- **State or federal elections?**
 - All types of elections
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - provisional ballot
- C.R.S. 1-7-103
Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)
- **Challenge available at polls?**
 - Yes

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MEMORANDUM

TO: Sara Sampson
FROM: Donnie Scheetz
DATE: August 11, 2005
RE: States for ID requirements chart: Connecticut

Connecticut

Summary:

All people who are registering for the first time, may submit a copy of ID at that time. If they do not, they must present ID at the poll. However, everyone must present ID at the polls anyway. The same requirements apply for voting absentee.

- **Statutes:** *Conn. Gen. Stat. § 9-232, Conn. Gen. Stat. § 9-12 (2004)*
 - **Passed:** passed in 1993, and amended in 2004
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - If you are registering by mail you may include a copy of ID. The same applies if you are registering in person for the first time.
<http://www.sots.state.ct.us/ElectionsDivision/electfrms/ed671.pdf>
 - The same requirements apply if the elector is voting absentee.
<http://www.sots.state.ct.us/ElectionsDivision/HAVA/IDRequirements.pdf>
 - **At polls:**
 - All voters must provide ID at the polls.
<http://www.sots.state.ct.us/ElectionsDivision/HAVA/HowToRegisterVotersEng.pdf>
 - **First time voters or all?**
 - All voters
 - **When?**
 - At the polls
 - **What types of ID?**
 - Driver's license, social security card, a rent receipt, a utility bil, or a form of ID with (a) elector's name and address, or (b) their name and signature, or (c) their name and photo. Any of the following will work: a copy of current valid photo ID, or a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows your name and address.
<http://www.sots.state.ct.us/ElectionsDivision/electfrms/ed671.pdf>

- **State or federal elections?**
 - All elections
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. *Id.*
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. *Id.*
- **Challenge available at polls?**
 - Yes. *Conn. Gen. Stat. § 9-232*

MEMORANDUM

TO: Sara Sampson
FROM: Donnie Scheetz
DATE: August 11, 2005
RE: States for ID requirements chart: Delaware

Delaware

Summary:

ID must be presented when registering. If it is not then it must be presented at the polls. If ID presented at registration or not a first time voter, then only a signature comparison is done. To vote absented one does not have to submit ID if properly registered; only an affidavit is required.

- **Statutes:** 15 Del. C. § 2011, 15 Del. C. § 2033
 - **Passed:**
 - 2003
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - None
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - The elector must provide proof of identity to register. 15 Del. C. § 2011. Elector must submit with that person's application a copy of a current and valid photo identification or 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. 15 Del. C. § 2033
 - Should the person not include a copy of the required identification with the voter registration application, the voter shall provide a valid photo identification or 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 prior to voting for the first time at a polling place in the State. 15 Del. C. § 2033
 - **At polls:**
 - No ID is required at the polls, unless none was submitted during registration http://www.state.de.us/sos/gic/lwv/body/dgbody-08.shtml#P1251_139266
 - **First time voters or all?**

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- Only first time voters must submit ID, and then only if none was submitted at registration. 15 Del. C. § 2033
- **When?**
 - Must be submitted during registration, or if not then at the polls.
- **What types of ID?**
 - Listed above
- **State or federal elections?**
 - All
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. http://www.state.de.us/sos/gic/lwv/body/dgbody-08.shtml#P1251_139266
- **Challenge available at polls?**
 - Yes. http://www.state.de.us/sos/gic/lwv/body/dgbody-08.shtml#P1251_139266

MEMORANDUM

TO: Sara Sampson
FROM: Donnie Scheetz
DATE: August 11, 2005
RE: States for ID requirements chart: Florida

Florida

Summary:

- **Statutes:** Section 97.053, 97.0535 of the Florida Statutes
 - **Passed:**
 - 2003
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Yes. You must have a driver's license number, or Florida ID card number. If the elector has none of these, they must provide the last four digits of their social security number.
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
 - If registering by mail and are a first time voter, then must submit ID when the form is mailed. Id.
 - Absentee voters must provide proper ID prior to 7 p.m. election day. They can provide a copy of a current and valid utility bill, bank statement, government paycheck, or other government document containing their name and address of current residence. Id.
 - **At polls:**
 - Yes.
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
 - **First time voters or all?**
 - All <http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
 - **When?**
 - Before voting
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
 - **What types of ID?**
 - Florida Driver's license, ID card issued by the Dept. of Highway Safety and Motor Vehicles, Passport, Employee badge or identification, Buyer's club ID, Debit/credit card, Military ID, Student ID, Retirement Center ID, Neighborhood association ID, Entertainment ID, Public assistance ID.
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>

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- **State or federal elections?**
 - All
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional if you are a first time voter who registered by mail and have not previously provided the required ID.
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit <http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
- **Challenge available at polls?**

Yes.

MEMORANDUM

TO: Sara Sampson
FROM: Doug Koppel
DATE: August 11, 2005
RE: States for ID requirements chart: Georgia

Georgia

Summary:

In any election or primary, Georgia voters must produce valid identification at the polling place before being allowed to vote. A voter whose name is on the list but cannot provide proper identification at the polling place is allowed to cast a provisional ballot upon swearing or affirming to his identity. Georgia Administrative Code 183-1-12-.06(5)(a). The voter then has to present the proper ID by the end of the statutory period for verification of all provisional ballots, or the ballot will not be counted. Georgia Administrative Code 183-1-12-.06(5)(c). This period ends upon the closing of business on the second business day after the election. Georgia Administrative Code 183-1-12-.06(11)(d). This information is also found in Ga. Code Ann. §21-2-417. Appropriate forms of identification are listed in Ga. Code Ann. §21-2-417(a). When registering to vote for the first time, whether by mail or in person, the voter must supply proper identification as listed in Ga. Code Ann. §21-2-417(c). If a voter attempted to register by mail but failed to include the proper ID, he can present this identification at the polling place along with the required photo ID and vote as normal. Ga. Code Ann. §21-2-221.

Statutes:

Ga. Code Ann., §21-2-417 – proper identification presentation to poll workers. Proper ID includes driver's license, state ID card with photo, US passport, employee ID with photo, military ID with photo, or tribal identification card with photo.

Ga. Code Ann. §21-2-221 – identification required for registration, by mail or in person.

Administrative Regulations:

Ga Administrative Code 183-1-12 -.06 – provisional ballots; process and rules for distributing provisional ballot when proper ID is not presented.

Pending legislation:

2005 GA HB 597 (SN) – no substantive changes

2005 GA SB 84 (SN) – no substantive changes

Case law:

None.

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MEMORANDUM

TO: Sara Sampson
FROM: Doug Koppel
DATE: August 11, 2005
RE: States for ID requirements chart: Hawaii

Hawaii

Summary:

When an elector registers, Hawaii administrative law calls for a signed affidavit along with submission of the elector's social security number (not card), birth date, and address of residence. Hawaii Admin. Rules §2-51-20(a). The chief election officer may add additional requirements to the registration form. Hawaii Admin. Rules §2-51-20(b). This completed form serves as prima facie evidence of the voter's identity. However, if the identity is challenged, the clerk can request substantiating evidence. Hawaii Admin. Rules §2-51-24 (a), (b). It is not specified what evidence will be determined sufficient or what can or cannot be used as valid evidence.

At the polling place, Hawaii statutory law requires only that identification be produced if requested by a precinct official. HRS §11-136. What is to be accepted as proper identification, or when it should be requested of an elector, is not stated. Assumedly, failure to produce the ID would result in the elector being treated as a challenged voter and voting via challenged ballot pursuant to Hawaii Admin. Rules §2-51-45. Regulations from the Office of the Lieutenant Governor require identification to be produced to the official in charge of the poll book but does not state which forms of identification are to be sufficient. Hawaii Admin. Rules §2-51-80(b). The voter must also sign the poll book. Hawaii Admin. Rules §2-51-80(d).

Statutes:

HRS §11-136 – poll book, identification, voting

Administrative Regulations:

Hawaii Admin. Rules §2-51-20 – voter registration form requirements

Hawaii Admin. Rules §2-51-24 – rules for clerk's approval of registration

Hawaii Admin. Rules §2-51-80 – voting procedure at the polls

Pending legislation: None.

Case law: None.

030179

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Idaho

Idaho

Summary:

Idaho law requires voters to supply their driver's license number or social security number at registration. Idaho Code § 34-411 (2004). It also requires identification for all first-time voters who registered by mail, as required under HAVA for voting in Federal elections. Idaho Code § 34-410 (2004). Voters may present a current photo identification, utility bill, bank statement, government check, paycheck, or any other government document with the name and address of the voter. Idaho Code § 34-410 (2004). Idaho also permits election day registration for all elections, and identification in the form of (1) a driver's license or state ID, (2) any document with the voter's address together with a picture ID, or (3) a student ID and tuition bill with address is required in order to same-day register. Idaho Code § 34-408A (2004).

Because Idaho provides for election day registration, it was exempted from the NVRA. Even so, Idaho accepts mail-in registrations anyway. However, because of the availability of election day registration, it is not required to provide a provisional voting scheme. Ben Ysursa, Secretary of State, State of Idaho: State Plan, 11 (2004), http://www.idsos.state.id.us/ELECT/Idaho_State_Plan.pdf. Idaho believes election day registration is an adequate substitute. *Id.* Thus, if voters do not have proper identification at the poll, they cannot vote. *Id.*

There is no pending legislation in Idaho.

- **Statute:**
 - Idaho Code §34-410 (2004) & Idaho Code §34-408A (2004) & Idaho Code §34-411 (2004).
 - **Passed:**
 - §34-408A – 1994
 - §34-410 – 2003
 - §34-411 – 2003
- **Session law:** none
- **Pending legislation:** none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?** Yes, but not beyond HAVA requirements. Idaho Code § 34-410 (2004).
 - **First time voters or all?**
 - First time voters registering by mail or election day registrants at polls. Idaho Code § 34-410 (2004); Idaho Code § 34-408A (2004).
 - **When?**
 - **At registration:** must supply driver's license number or the last four digits of the voter's social security number. Idaho Code § 34-411 (2004).

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- **Mail-in registration (HAVA):**
 - Codified requirements of HAVA for federal elections when elector mails registration, thus, voter can provide identification with registration or at the polls. Idaho Code § 34-410 (2004).
- **Election day registration at polls:**
 - Requires proof of residence, which can be done in 3 ways: (1) driver's license or Idaho identification card issued through the department of transportation; (2) any document which contains a valid address in the precinct together with a picture identification card; or (3) a current valid student identification card from a postsecondary educational institution in Idaho accompanied by a current student fee statement that contains the student's valid address. Idaho Code § 34-408A (2004).
- **What types of ID?**
 - For 1st time voters who registered by mail: (1) A current and valid photo identification; or (2) 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. Idaho Code § 34-410 (2004)(essentially HAVA requirements).
 - For election day registrants: (1) driver's license or Idaho identification card issued through the department of transportation; (2) any document which contains a valid address in the precinct together with a picture identification card; or (3) a current valid student identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address. Idaho Code § 34-408A (2004).
- **State or federal elections?**
 - Mail-in HAVA requirements: seems to be just Federal elections (Code seems to limit the ID requirements for mail-in first-time registrants to the scope of HAVA by stating "as required by HAVA"). Idaho Code § 34-410 (2004).
 - All other requirements: all elections (Code makes no distinction between state or local and federal elections for all other ID requirements, especially the election day registration requirements)
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - No provisional voting system because of exemption from NVRA because of same-day registration; so, no ID, no vote. Ben Ysursa, Secretary of State, State of Idaho: State Plan, 11 (2004), http://www.idsos.state.id.us/ELECT/Idaho_State_Plan.pdf.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - No provisional voting system because of election-day registration; so, no ID, no vote. Ben Ysursa, Secretary of State, State of Idaho: State Plan, 11 (2004), http://www.idsos.state.id.us/ELECT/Idaho_State_Plan.pdf.
- **Challenge available at polls?**
 - Yes, Idaho Code § 34-431 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Illinois

Illinois

Summary:

Illinois law technically requires in person registration, but, as a result of a Court decision in 1996, Illinois permits mail-in registration under the NVRA for both State and Federal elections. Ill. Admin. Code tit. 26, § 216.30 (2005). In person registrants must show two forms of identification, and one of them must contain an address. 10 Ill. Comp. Stat. 5/4-10 (2005); 10 Ill. Comp. Stat. 5/5-9 (2005); 10 Ill. Comp. Stat. 5/6-37 (2005). The forms of identification accepted are: driver's license, social security card, public aid identification card, utility bill, employee or student identification card, credit card, or a civil, union or professional association membership card. *Id.* At the polls, voters who registered in person are only required to state their name and address prior to voting; however, voters who registered by mail must meet the HAVA requirements for identification. 10 Ill. Comp. Stat. 5/17-9 (2005); 10 Ill. Comp. Stat. 5/1A-16 (2005). Illinois law does not require any identification beyond HAVA for voters registering by mail.

There is a bill pending in the Senate which would require all voters to present proof of citizenship with their registration form and to present one form of identification with name, address, and photograph or two different forms of identification with name and address at the polls prior to receiving a ballot. SB 2081, 94th Gen. Assem., Reg. Sess. (Ill. 2005). Proof of citizenship documents include: birth certificate, naturalization certificate, driver's license if proof of citizenship was required, tribal identification, and passport. *Id.*

• Statutes:

- Provisions concerning in-person registration still in the code:
 - 10 Ill. Comp. Stat. 5/4-10 (2005)(for counties with a population of less than 500,000).
 - 10 Ill. Comp. Stat. 5/5-9 (2005)(for counties with a population of at least 500,000).
 - 10 Ill. Comp. Stat. 5/6-37 (2005)(for certain cities, villages and incorporated towns).
- Provision stating that mail-in registration in compliance with HAVA and NVRA is acceptable and ID provisions conform w/ HAVA (either provide ID w/ registration or at polls): 10 Ill. Comp. Stat. 5/1A-16 (2005).
- Identification at polls for in person registrants: 10 Ill. Comp. Stat. 5/17-9 (2005)
- **Passed:**
 - 5/4-10 & 5/5-9 & 5/6-37 – pre-1989
 - 5/1A-16 – 2003
 - 5/17-9 – at least since 1980s

- **Session law:** none
- **Pending legislation:**

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- SB 2081 – would require all voters at the polls to present one form of identification with name, address, and photograph or two different forms of identification with name and address; would also require all voters to submit proof of citizenship with their registration form (proof of citizenship: birth certificate, naturalization certificate, driver’s license if proof of citizenship was required, tribal identification, and passport) [2/25/05- Introduced, referred to Rules Committee]. SB 2081, 94th Gen. Assem., Reg. Sess. (Ill. 2005).
- HB 1968 – expands the institutions which must provide voter registration forms [passed both houses 5/28/05]. HB 1968, 94th Gen. Assem., Reg. Sess. (Ill. 2005).
- HB 715 – adds higher education institutions to those which must provide voter registration forms [passed both houses 5/17/05]. HB 715, 94th Gen. Assem., Reg. Sess. (Ill. 2005).
- **Case law (from annotations):**
 - *Orr, et al. v. Edgar, et al.*, 670 N.E.2d 1243 (Ill. App. Ct. 1 Dist. 1996): ruling that the two-tiered system of registration for State and Federal elections violated the voter registration notice provisions in the Illinois Vehicle Code and required the applicant be given notice of their right to vote in state and local elections (after which the State honored mail-in registration as registration for both Federal and State elections).
 - *Jordan v. Officer*, 525 N.E. 2d 1067 (Ill. App. Ct. 5 Dist. 1988): unsuccessful candidates do not waive the right to challenge the eligibility of voters if they failed to use the procedures for poll site challenges (10 ILCS 5/17-9 (2005)).
- **Administrative regulations:**
 - Ill. Admin. Code tit. 26, § 216.30 (2005): implemented NVRA, applications complying with NVRA register voter for Federal and State elections.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Still law in effect requiring in-person registration. Law states that a registrant must have two forms of identification, and one of them must contain the voter’s address, many forms being acceptable. Homeless persons must produce proof of use of a certain address, but the address does not have to be on the identifications. 10 Ill. Comp. Stat. 5/4-10 (2005); 10 Ill. Comp. Stat. 5/5-9 (2005); 10 Ill. Comp. Stat. 5/6-37 (2005).
 - Another statute complies with NVRA and HAVA and allows mail-in registration and requires ID be provided at polls or with registration (essentially HAVA codified). 10 Ill. Comp. Stat. 5/1A-16 (2005).
 - Mail-in registration registers voter for both State and Federal elections as of October 1996. Ill. Admin. Code tit. 26, § 216.30 (2005).
 - **At polls:** Only required to state name and address, can ask questions from information provided at registration. 10 Ill. Comp. Stat. 5/17-9 (2005).
 - HAVA applies if no identification provided with registration. 10 Ill. Comp. Stat. 5/1A-16 (2005).
 - **First time voters or all?**

- First time registrants only for the HAVA requirements for mail-in registrants. 10 Ill. Comp. Stat. 5/1A-16 (2005).
- **When?**
 - At registration (with mailing or in person) or if not (and mail-in registration), at polls before voter votes for first time. 10 Ill. Comp. Stat. 5/1A-16 (2005).
- **What types of ID?**
 - For in person registrants: driver's license, social security card, public aid identification card, utility bill, employee or student identification card, credit card, or a civil, union or professional association membership card. 10 Ill. Comp. Stat. 5/4-10 (2005); 10 Ill. Comp. Stat. 5/5-9 (2005); 10 Ill. Comp. Stat. 5/6-37 (2005).
 - For mail-in registrants: Either (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. 10 Ill. Comp. Stat. 5/1A-16 (2005).
- **State or federal elections?**
 - Seems to apply to all elections since it is in the state code w/ no distinction between federal and state. 10 Ill. Comp. Stat. 5/1A-16 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - HAVA – provisional ballot.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - No law – assume HAVA applies then.
- **Challenge available at polls?**
 - Yes. If challenged, must provide two forms of ID and execute an affidavit, otherwise provisional ballot. 10 Ill. Comp. Stat. 5/18A-5 (2005).
 - Poll watchers permitted. 10 Ill. Comp. Stat. 5/17-23 (2005).

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MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Iowa

Iowa

Summary:

Iowa has essentially codified the requirements of HAVA and requires voters who registered by mail to provide identification either with their registration or prior to voting in the voter's first election, whether State or Federal. Iowa Code § 48A.8 (2005). The forms of identification accepted are the same forms of identification permitted under HAVA. *Id.* If no identification was provided with the mailed registration form and the voter has no identification at the polls, the voter may vote provisionally. *Id.* In order for the vote to count, the voter must later bring or send a copy of identification proving his/her identity, as well as sign an affidavit at the polls affirming his/her identity. *Id.*

In order to register in Iowa, all voters must provide their driver's license numbers, state identification card numbers, or social security numbers unless they notify the State that they do not have a state identification card or social security number. Iowa Code § 48A.11 (2005). When a voter lacks one of these identifying numbers, the State assigns one to the voter. The information provided on the registration form is checked against other State databases. At the polls, precinct officials are permitted, but not required, to ask for some identification with a signature to verify the identity of the voter. Iowa Code § 49.77 (2005).

Iowa law permits voter challenges at the polls. Iowa Code § 49.79 (2005). Currently, there are no pending bills concerning voter identification.

- **Statute:**
 - Iowa Code § 48A.8 (2005)
 - Iowa Code § 48A.11 (2005)
 - Iowa Code § 49.77 (2005)
 - **Passed:**
 - § 48A.8 – 2004
 - § 48A.11 – 2004
 - § 49.77 – 1983
- **Session law:** HF 227, 81st Gen. Assem., 1st Reg. Sess. (Iowa 2005)(enacted)(specifying that driver's license numbers provided on registration form must be Iowa driver's licenses).
 - Signed by governor 4/6/05
- **Pending legislation:**
 - SF 152, 81st Gen. Assem., 1st Reg. Sess. (Iowa 2005)(allowing for late registration, up until voting, but requiring proof of residency for late registrants) [in Senate committee 2/16/05]
 - HF 793, 81st Gen. Assem., 1st Reg. Sess. (Iowa 2005)(makes signature on application required for registration) [passed House 3/31/05, in Senate committee 4/5/05]

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- SF 364, 81st Gen. Assem., 1st Reg. Sess. (Iowa 2005)(makes signature on application required for registration) [In Senate committee 4/14/05]
- **Case law (from annotations):** none
- **Administrative regulations:** Title 821 in the Iowa Administrative Code pertains to election registration but no provision is more specific as to voter identification.
- **What the law requires:**
 - **Is ID required?**
 - **Mail in registrants:** identification required at either registration or at polls, essentially codifies HAVA, requires identification for a mail-in registrant voting for the first time. Iowa Code § 48A.8 (2005).
 - **For registration:** must provide driver's license number, state identification card number or the last four digits of the social security number on the registration form or the application will be rejected or indicate that the voter has none of those and a unique number will be assigned. Iowa Code § 48A.11 (2005).
 - **At polls:** precinct officials *may* require some identification for signature verification if they do not personally know the voter. Iowa Code § 49.77 (2005).
 - **First time voters or all?**
 - First time voters only: HAVA requirements codified - first time voters who have never voted in a Federal election. Iowa Code § 48A.8 (2005).
 - **When?**
 - Mail in registrants – either at registration or at polls. Iowa Code § 48A.8 (2005).
 - **What types of ID?**
 - Mail in registrants:
 - Current and valid photo identification
 - Utility bill
 - Bank statement
 - Paycheck
 - Government check
 - Other government document
 - Iowa Code § 48A.8 (2005).
 - **State or federal elections?**
 - Seems to apply to all elections, as the wording of Iowa Code § 48A.8 (2005) states that “an eligible elector who registers by mail and who has not previously voted in an election for federal office in the county ... shall be required to provide identification documents when voting for the first time in the county” (does not mention federal election, rather says “when voting for the first time in the county”).
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Iowa Code § 48A.8 (2005).
 - **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Vote provisionally subject to normal provisional ballot rules. Iowa Code § 48A.8 (2005). Normal provisional ballot rules require that the voter bring or

send identification later and sign an affidavit prior to voting. Iowa Code § 49.81 (2005).

- **Challenge available at polls?**
 - Yes, by any registered voter or precinct official. Iowa Code § 49.79 (2005).

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MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Kansas

Kansas

Summary:

Under Kansas law, all voters in all types of elections are required to state their name and address, if asked, prior to voting. Kan. Stat. Ann. § 25-2908(b) (2004). As a result of HAVA, Kansas enacted a statute requiring first time voters in *all* elections to provide identification either with their registration or when they vote for the first time. Kan. Stat. Ann. § 25-2908(c)(4) & (h) (2004). These voters may provide a Kansas driver's license, state identification card, utility bill, bank statement, paycheck, government check, or other government document. Kan. Stat. Ann. § 25-2908(d) (2004). If they do not provide the identification, the voters may vote a provisional ballot. Kan. Stat. Ann. § 25-2908(e) (2004). In order for the provisional ballot to be counted, the voter must provide one of the identification documents to county election officers before the canvass begins. *Id.*

There is no pending legislation in Kansas. Interestingly, Kansas election law allows for limited elections by mail, and that provision of the Kansas Code has been challenged and ruled constitutional based on the fact that the compelling interest in voter participation outweighed the interest in preventing voter fraud. Mail Ballot Election Act, Kan. Stat. Ann. § 25-432 (2004); *Sawyer v. Chapman*, 729 P.2d 1220 (Kan. 1986).

- **Statute:**
 - Kan. Stat. Ann. § 25-2908 (2004).
 - **Passed:** In 1861 but section significantly rewritten in 2004 and HAVA compliant section added which applied HAVA requirements to both State and Federal elections.
- **Session law:** none
- **Pending legislation:** none
- **Case law (from annotations):**
 - *Sawyer v. Chapman*, 729 P.2d 1220 (Kan. 1986): declared the Act constitutional; compelling state interest in increased voter participation outweighs fraud potential and loss of secrecy.
 - Could be important – essentially ruled that voter participation is more important than voter fraud potential.
- **Administrative regulations:** no ID provisions. *See generally* Kan. Admin. Regs. Agency 7.
- **What the law requires:**
 - **Is ID required?**
 - **For registration or at polls/HAVA:** must provide identification (HAVA codified). Kan. Stat. Ann. § 25-2908(c)(4) (2004).
 - **At polls:** required to announce name and address. Kan. Stat. Ann. § 25-2908(b) (2004).

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- **First time voters or all?**
 - First time voters only must provide identification at polls or at registration. Kan. Stat. Ann. § 25-2908(c)(4) (2004).
 - All voters must provide their name and address each time they vote. Kan. Stat. Ann. § 25-2908(b) (2004).
- **When?**
 - HAVA compliance: either at registration or at polls. Kan. Stat. Ann. § 25-2908 (2004).
- **What types of ID?**
 - Kansas driver's license
 - Nondriver's identification card
 - Utility bill
 - Bank statement
 - Paycheck
 - Government check
 - Other government document
 - Kan. Stat. Ann. § 25-2908(d) (2004).
 - Specifically:
 - The identification presented must have the voter's name and 1 of these 2 things: current address or photo
 - Office of Secretary of State Ron Thornburgh & the Kansas County Clerks and Election Officials Association, Kansas Election Standards, I-4 (2004), at http://www.kssos.org/elections/elections_reform_standards.html.
- **State or federal elections?**
 - All elections, no distinction made in § 25-2908(h), says "any election". Kan. Stat. Ann. § 25-2908(h) (2004).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Kan. Stat. Ann. § 25-2908(e) (2004).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Vote a provisional ballot and must provide identification types described above either in person, electronically, or by mail to county election officers before canvass in order for vote to be counted. Kan. Stat. Ann. § 25-2908(e) (2004).
- **Challenge available at polls?**
 - Election judges may challenge at polls. Kan. Stat. Ann. § 25-414(a) (2004).
- **Miscellaneous:**
 - Kansas law allows for mail ballot elections when the election involves an issue rather than a candidate and the election is bipartisan. Mail Ballot Election Act, Kan. Stat. Ann. § 25-432 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jaime Lebo
DATE: 9/1/05
RE: States for ID requirements chart: Kentucky

Kentucky

Summary:

All Kentucky voters are required to present identification before being allowed to vote on election day. KRS §117.227 (2004) and 31 KAR 4:010 (2005). This can be by personal acquaintance, or by a document, such as a driver license, Social Security card, credit card, or any identification card that bears both the picture and signature of the voter. *Id.*

If the voter does not have identification, then they must sign a written affirmation that they are qualified to vote and then must vote provisionally. 31 KAR 6:020.

- **Statutes:** KRS §117.227 (2004).
 - Effective: July 15, 2002
 - Amended 2002 Ky. Acts ch. 10, sec. 1, effective July 15, 2002. –Created 1988 Ky. Acts ch. 341, sec. 9, effective July 15, 1988.
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** 31 KAR 4:010 (2005). In effect as of April 22, 2005.
 - 31 KAR 6:020: provides procedures for voting provisionally
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - No. KRS §116.115
 - **At polls:**
 - All voters are required to present identification before being allowed to vote on election day. KRS §117.227 (2004) and 31 KAR 4:010.
 - **First time voters or all?**
 - All voters are required to present identification before being allowed to vote on election day. KRS §117.227 (2004) and 31 KAR 4:010.
 - **When?**
 - At polls. KRS §117.227 (2004)
 - **What types of ID?**
 - Personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, or credit card. KRS §117.227 (2004). Also, any identification card that bears both the picture and signature of the voter, or any identification card that has been issued by the county, and

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which has been approved in writing by the State Board of Elections. 31 KAR 4:010.

- Voters are required to give their name and address to the clerk of the election. If his name is listed on the precinct list, he is to sign the precinct list and his signature should be compared with that on the original registration form. KRS §117.225 (2004).
- **State or federal elections?**
 - Both. KRS §117.227 (2004)
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. 31 KAR 6:020.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Written affirmation. 31 KAR 6:020.
- **Challenge available at polls?**
 - Yes. KRS §117.245 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jaime Lebo
DATE: August 28, 2005
RE: States for ID requirements chart: Louisiana

Louisiana

Summary:

Louisiana voters are required to identify themselves and state their address to election officials at the polls. La. R.S. §18:562 (2005). In addition, they must provide a picture identification card. *Id.* If the voter does not possess the requisite identification, he must sign an affidavit and provide further identification that is requested by the commissioner. *Id.* If the further identification is provided, then the voter may vote on a regular ballot. *Id.*

Louisiana has early voting, but before voting, the voter is required to submit his Louisiana driver's license, his current registration certificate, or other identification card to compare with the descriptive information on the precinct register. La. R.S. §18:1309(D)(1) (2005).

When registering, a Louisiana voter must provide identification which reasonably and sufficiently establishes his identity, age, and residence. La. R.S. §18:105 (2005).

- **Statutes:** La. R.S. 18:562 (2005).
- **Session law/recent legislation passed:** 2005 La. Sess. Law Serv. Act 220 (H.B. 336): providing provisions for early voting. Will become activated on January 1, 2006.
 - Act 423 of 2003 Regular Legislative Session implements provisional voting in Louisiana only in elections for federal office. Louisiana Secretary of State Elections Division, Lu<http://www.sec.state.la.us/elections/elections-index.htm#votereg>.
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - The applicant's driver's license number or last 4 digits of social security number is required on the form. If applicant has neither, then he must attach either a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the applicant. La. R.S. §18:104 (2005).
 - Also, the applicant must submit his current Louisiana driver's license, if he has one, or his birth certificate, or other documentation which

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reasonably and sufficiently establishes the applicant's identity, age, and residency. La. R.S. §18:105 (2005).

- **At polls:**
 - All voters must identify themselves by stating their name and address to the commissioner. La. R.S. §18:562(A)(1) (2005).
 - Each voter must also provide identification. La. R.S. §18:562(A)(2) (2005).
- **Early voting/Absentee voting:**
 - Before any voter is allowed to vote during early voting, the voter is required to submit his Louisiana driver's license, his current registration certificate, or other identification card to compare with the descriptive information on the precinct register. La. R.S. §18:1309(D)(1) (2005).
- **First time voters or all?**
 - All voters. La. R.S. §18:562 (2005).
- **When?**
 - At polls. La. R.S. §18:562 (2005).
- **What types of ID?**
 - Louisiana driver's license, Louisiana special identification card issued pursuant to R.S. §40:1321, or other generally recognized picture identification card. La. R.S. §18:562(A)(2) (2005).
 - In addition, the applicant's signature on the precinct register should be compared to his signature on his picture identification. La. R.S. §18:652(C) (2005).
- **State or federal elections?**
 - Both. La. R.S. §18:562 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Regular ballot. La. R.S. §18:562(A)(2) (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Voters who have no picture ID and bring only a utility bill, payroll check or government document that includes their name and address will have to sign an affidavit furnished by the Elections Division in order to vote. La. R.S. §18:562(A)(2) (2005).
 - The applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioner. La. R.S. §18:562 A(2) (2005).
- **Challenge available at polls?**
 - Yes. La. R.S. §18:565 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Maine

Maine

Summary:

Maine law allows for in person registration and registration by mail. It also allows voters to register up until and on election day. Me. Rev. Stat. Ann. tit. 21-A, § 122 (2004). However, any voter registering nine or less days prior to an election (Federal or State) or on election day must register in person and show proof of identity and residency. Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004). Otherwise, the voter must only complete an application including his/her name; address; date of birth; signature; and driver's license, state identification number or social security number (if the voter has one of these). Me. Rev. Stat. Ann. tit. 21-A, § 152 (2004). There is no identification requirement for voters at the polls beyond HAVA. At the polls, voters that have satisfied HAVA's requirements must only announce their name and address in order to vote. Me. Rev. Stat. Ann. tit. 21-A, § 671 (2004).

The types of identification that are permissible as proof of residency or identity for in person registrants are not specifically stated, but I would assume the requirements are fairly liberal since no specific types are enumerated or suggested on the Secretary of State's website. Maine permits all types of identification permissible under HAVA in order to meet the HAVA requirements for identification. Further, HAVA seems to apply to State and Federal elections in Maine, as the Secretary of State updated the State's registration form and included a disclaimer that voters must submit identification with their registration. Mathew Dunlap, Secretary of State, State of Maine Voter Guide 2004 (2004), at <http://www.maine.gov/sos/cec/elec/votguid04.htm>; State of Maine Preliminary State Plan for the Implementation of the Help America Vote Act of 2002, 17, at <http://www.maine.gov/sos/cec/elec/hava/havaplan.doc>. The disclaimer makes no distinction between Federal and State elections. *Id.*

Without identification at the polls (does not matter if registering at polls or required by HAVA) a voter may vote a challenged ballot. Me. Rev. Stat. Ann. tit. 21-A, § 673 (2004). There is no pending legislation concerning voter identification.

• Statute:

- Me. Rev. Stat. Ann. tit. 21-A, § 671 (2004).
- Me. Rev. Stat. Ann. tit. 21-A, § 152 (2004).
- Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004).
- Me. Rev. Stat. Ann. tit. 21-A, § 122 (2004).
- **Passed:**
 - § 671 – 1985 (at least)
 - § 152 – 1985 (at least); 2003 added a place on registration form for HAVA information

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- § 121 – 1985; 1993 added provision requiring identification for voters registering close to election; 1999 established 9 days as time period which requires in-person registration and proof of identity and residency
 - § 122 – 1985 – added election day registration provision; the in-person registration language has been in the Code at least that long, possibly since 1954.
- **Session law:** none
- **Pending legislation:** none
- **Case law (from annotations):** none
- **Administrative regulations:** nothing in administrative code on voter identification.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Not if the registration is received at least 10 days prior to the election, only name, address, date of birth, signature, and driver’s license, state identification number or social security number (if applicable) are required. Me. Rev. Stat. Ann. tit. 21-A, § 152 (2004).
 - Maine law allows in person registration up until and including election day. Me. Rev. Stat. Ann. tit. 21-A, § 122 (2004). Anyone who registers nine or less days prior to election day or on election day must register in person and must show proof of identity and residency. Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004).
 - **At polls:**
 - No, a voter must only announce his/her name and, if asked, his address. Me. Rev. Stat. Ann. tit. 21-A, § 671 (2004).
 - HAVA requirements, of course, apply.
 - **First time voters or all?**
 - The registration identification requirements obviously apply only to new registrants.
 - There are no requirements for identification at the polls applying to all voters in Maine.
 - **When?**
 - There are only identification requirements for registration, not prior to voting.
 - **What types of ID?**
 - For the registration within nine days of election day or on election day – no types are specified.
 - HAVA – all types permissible under HAVA. (see below)
 - **State or federal elections?**
 - The provisions requiring identification for registration within nine days of election day apply to all elections. Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004).
 - **HAVA:** seems to apply to all elections. Maine law designated the Secretary of State as the authority for promulgating rules complying with HAVA. Me. Rev. Stat. Ann. tit. 21-A, § 222 (2004). The Secretary of State updated Maine’s registration form to comply with the HAVA identification

requirements for mail-in registrants by placing a disclaimer on the form that the voter must submit a copy of a Maine driver's license or other valid photo ID, a current utility bill, or bank statement, or paycheck, or other government document that shows the voter's name and address with the registration. Mathew Dunlap, Secretary of State, State of Maine Voter Guide 2004 (2004), at <http://www.maine.gov/sos/cec/elec/votguid04.htm>; State of Maine Preliminary State Plan for the Implementation of the Help America Vote Act of 2002, 17, at <http://www.maine.gov/sos/cec/elec/hava/havaplan.doc>.

- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - If the voter registers nine or less days prior to the election or on election day and has no proof of residency and identity, the voter must cast a challenged ballot. Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004).
 - If the voter is subject to HAVA identification requirements but does not provide identification, the voter must also cast a challenged ballot. State of Maine Preliminary State Plan for the Implementation of the Help America Vote Act of 2002, 17, at <http://www.maine.gov/sos/cec/elec/hava/havaplan.doc>.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Challenged ballot, subject to normal challenged ballot rules. Nothing for voter to do post-election. In fact, challenged ballots are counted the same as regular ballots unless they affect the outcome of the election. Me. Rev. Stat. Ann. tit. 21-A, § 696 (2004).
- **Challenge available at polls?**
 - Yes, any voter of the municipality may challenge any other voter for cause. The voter then votes a challenged ballot. Me. Rev. Stat. Ann. tit. 21-A, § 673 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 23, 2005
RE: States for ID requirements chart: Maryland

Maryland

Summary:

Maryland law does not require any identification beyond the HAVA requirements for first time registrants who register by mail. Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.01 (2005). The types of identification permitted are the same as permitted under HAVA. Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.02 (2005). Maryland applies this standard to State and Federal elections. Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.01 (2005). Without identification at the polls or registration, a new voter may vote a provisional ballot but must bring identification before the canvass begins in order for the vote to be counted. Md. Code Ann., Elec. Law § 11-303 (d)(4)(iii) (2005).

Recently, Maryland passed a law altering State election law to comply with the voter registration list requirements of HAVA, but the law does not address the identification provisions of HAVA. 2005 Md. Laws 572. There are three bills pending in the House which would require identification at the polls. HB 105, 419th Sess., Reg. Sess. (Md. 2005); HB 1279, 419th Sess., Reg. Sess. (Md. 2005); HB 1166, 419th Sess., Reg. Sess. (Md. 2005).

- **Statutes:** none concerning HAVA's identification requirements or identification at polls.
- **Administrative regulations:**
 - Md. Regs. Code tit. 33, § 05.02.02 (2005).
 - Md. Regs. Code tit. 33, § 07.06.01 (2005).
 - Md. Regs. Code tit. 33, § 07.06.02 (2005).
 - Md. Regs. Code tit. 33, § 07.06.05 (2005).
- **Session law/recent legislation passed:**
 - 2005 Md. Laws Ch. 572: Altering State election law to comply with the voter registration list requirements of the Help America Vote Act of 2002; establishing a statewide voter registration list; requiring the State Administrator of Elections to perform specified tasks; establishing when specified voters are restored to active status; altering requirements to challenge special actions of local election boards; providing for a delayed effective date; but not enacting identification provision [5/26/05 signed by governor]
 - Bill HB 723
- **Pending legislation:**
 - HB 1166, 419th Sess., Reg. Sess. (Md. 2005): would require proof of citizenship at registration – birth certificate, passport, or naturalization documents; require that voters present a voter identification card at the polls. [3/7/05 reported from committee unfavorably]
 - HB 1279, 419th Sess., Reg. Sess. (Md. 2005): would require identification at the polls from all voters in the form of a driver's license, state identification card, or voter identification card. If the voter has none of those, they may present any

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other government-issued identification that has the voter's name, address, and date of birth; or, the voter may state the month and day of his/her birth and have it verified against the precinct register. [3/7/05 reported from committee unfavorably]

- HB 105, 419th Sess., Reg. Sess. (Md. 2005): would require identification at the polls from all voters in the form of a driver's license, state identification card, or voter identification card. If the voter has none of those, they may present any other government-issued identification that has the voter's name, address, and date of birth; or, the voter may state the month and day of his/her birth and his address and have it verified against the precinct register. [3/26/05 reported from committee unfavorably]
- **Case law (from annotations):** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - HAVA requirements: provide driver's license number, MVA identification card, or last four digits of social security number OR identification (see below for forms). Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.01 (2005).
 - **At polls:**
 - Orally state month and day of birth and compare it to precinct register; verify address. Md. Code Ann., Elec. Law § 10-310 (2005).
 - **First time voters or all?**
 - Just first time voters – no requirement beyond HAVA. Md. Regs. Code tit. 33, § 07.06.01 (2005).
 - **When?**
 - At registration or at polls. Md. Regs. Code tit. 33, § 05.02.02 (2005).
 - **What types of ID?**
 - A copy of a current and valid photo identification (i.e., Maryland driver's license, MVA-issued identification card, student photo identification card, or employee photo identification card).
 - OR
 - A copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the voter's name and address.
 - Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.02 (2005).
 - **State or federal elections?**
 - No distinction made between requirements for State or Federal elections. Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.01 (2005).
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Md. Code Ann., Elec. Law § 9-404 (b)(2)(iii) (2005); Md. Regs. Code tit. 33, § 07.06.05 (2005).

- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Provide identification before canvass begins. Md. Code Ann., Elec. Law § 11-303 (d)(4)(iii) (2005); Maryland State Board of Elections Webpage, http://www.elections.state.md.us/registered_voters/election_day_faq.html.
- **Challenge available at polls?**

Yes. Md. Code Ann., Elec. Law § 10-311 (2005); Md. Code Ann., Elec. Law § 10-312 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 27, 2005
RE: States for ID requirements chart: Massachusetts

Massachusetts

Summary:

Massachusetts does not require any identification beyond HAVA for voters who register by mail and are voting for the first time in a federal election. Mass. Gen. Laws ch. 54, §76B (2005). They must present identification either at the polls or at registration or supply their driver's license or social security number on their registration form. *Id.* The forms of acceptable identification are the same as under HAVA, and this requirement seems to apply only to federal elections. Mass. Gen. Laws ch. 54, § 76B (b)(2)(A)(a) (2005); Mass. Gen. Laws ch. 54, § 76B (b)(1) (2005). Without proper identification, the voter may execute an affidavit and vote a provisional ballot. Mass. Gen. Laws ch. 54, § 76B (b)(2)(B)(i) (2005); Mass. Gen. Laws ch. 54, § 76C (b) (2005).

Massachusetts law also allows for election officials to request identification of any voter randomly or based on reasonable suspicion. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005). This requirement applies to all voters, not just new registrants. *Id.* Upon request, the voter must produce written identification, which includes: driver's license, recent utility bill, rent receipt, lease, voter registration affidavit copy, or any other printed identification which contains the voter's name and address. *Id.* If the voter does not provide the identification, he may vote normally but may be challenged. *Id.*

There are several pending bills which concern voter identification. HB 92, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) would apply HAVA to all elections, rather than just federal elections. HB 46, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) would require voters to recite their date of birth (in addition to name and residence) prior to voting. HB 51, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) would require all voters to provide government-issued identification prior to voting with no allowance for provisional ballots. HB 112, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) is similar to HB 51 but allows the voter to satisfy the identification requirement with an employee identification card. HB 132, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) requires identification of all voters but allows many more forms of identification than HB 51 or 112.

- **Statutes:** Mass. Gen. Laws ch. 54, § 76B (2005).
 - **Passed:** 2004
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - HB 46, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): requires voters to state their name, residence, and date of birth prior to voting (date of birth added by the bill) [1/26/05 introduced and referred to committee]
 - HB 51, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): rewrites § 76B and § 76, requiring identification for all voters prior to voting, which includes a Massachusetts driver's license, an official Massachusetts photo identification card,

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a United States passport, or a Social Security card; does not provide for provisional balloting system for those without identification. [1/26/05 introduced and referred to committee]

- HB 92, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): applies HAVA requirements to all elections, primaries, caucuses, and preliminaries, not just federal elections. [1/26/05 introduced and referred to committee]
- HB 112, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): rewrites § 76B and § 76, requiring identification for all voters at the polls, which includes a voter registration card, social security card, valid Massachusetts drivers license, or any other identification card issued by a government agency, or any valid employee identification card containing a photograph of the voter; provides for no provisional balloting system for those without identification. [1/26/05 introduced and referred to committee]
- HB 132, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): rewrites § 76B completely, requiring identification for all voters at the polls including: a valid driver's license, birth certificate, fishing or hunting license, student identification card from a post-secondary education institution in the Commonwealth or such other documentation which establishes the applicant's identity, age and residency. [1/26/05 introduced and referred to committee]
- **Case law (from annotations):** none
- **Administrative regulations:**
 - Mass. Regs. Code tit. 950, § 52.03 (2005): Voting procedure and challenges for precincts using paper ballots.
 - Mass. Regs. Code tit. 950, § 53.03 (2005): Voting procedure and challenges for precincts using voting machines.
 - Mass. Regs. Code tit. 950, § 54.04 (2005): Voting procedure and challenges for precincts using electronic voting systems.
- **What the law requires:**
 - **Is ID required?**
 - **For registration/at polls/HAVA requirements:**
 - Must present identification either with registration or at polls prior to voting unless the voter supplied his/her driver's license number or social security number on his/her registration form. Mass. Gen. Laws ch. 54, § 76B (2005).
 - **At polls/all voters:**
 - State name and address, if requested. Mass. Gen. Laws ch. 54, § 76 (2005); Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
 - **Id at polls for all:** The election officers may ask for written identification randomly or based on reasonable suspicion. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
 - **First time voters or all?**
 - **HAVA requirements:** First time voters who have not previously voted in an election for federal office. Mass. Gen. Laws ch. 54, § 76B (b)(1)(b) (2005).

- **At polls/random ID checks:** However, all voters are subject to random identification checks or checks based on reasonable suspicion. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
- **When?**
 - **HAVA requirement:** Either at registration or at polls. Mass. Gen. Laws ch. 54, § 76B (2005).
- **What types of ID?**
 - **For HAVA / new registrants who registered by mail:**
 - Current and valid photo identification.
 - OR
 - Current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.
 - Mass. Gen. Laws ch. 54, § 76B (b)(2)(A)(a)(2005).
 - **For ID at polls for all voters upon request (random checks):**
 - Driver's license, recent utility bill, rent receipt, lease, voter registration affidavit copy, or any other printed identification which contains the voter's name and address. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
- **State or federal elections?**
 - **HAVA:** Language of statute says "a person asserting a right to vote in an election for federal office," and implies that it applies to federal elections only. Mass. Gen. Laws ch. 54, § 76B (b)(1) (2005).
 - *See also* HB 92, which strikes this language and applies the identification requirement to all elections. HB 92, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005).
 - **Random checks of all voters at polls:** applies to all elections.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - **HAVA:** Provisional ballot. Mass. Gen. Laws ch. 54, § 76B (b)(2)(B)(i) (2005).
 - **Random ID checks of all voters at polls:** If the voter does not provide identification, the voter may still vote but can be challenged. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - A voter subject to HAVA who does not provide identification may sign an affidavit and vote provisionally. Mass. Gen. Laws ch. 54, § 76C (b) (2005).
- **Challenge available at polls?**
 - Yes. Mass. Gen. Laws ch. 54, § 85A (2005); Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Michigan

Michigan

Summary:

Michigan law requires that certain information be supplied on the registration form, including the voter's state identification card or driver's license number (if the voter has one), but does not require any identification for registration. Mich. Comp. Laws Ann. § 168.495 (2005). At the polls and registration, Michigan does not require any identification beyond the requirement for first time voters in Federal elections. Mich. Comp. Laws Ann. § 168.509t (2) (2005).

In 1996, Michigan enacted a statute requiring photo identification for all voters prior to voting. Mich. Comp. Laws Ann. § 168.523 (2005). However, immediately after its passage, the Attorney General declared that the statute violated the Equal Protection Clause of the Fourteenth Amendment. Op. Atty. Gen. 1997, No. 6930. That decision is binding on all state agencies.

Michigan's provisional ballot rules for voters without identification under HAVA have been recently challenged. *Bay County Democratic Party v. Land*, 347 F. Supp. 2d 404 (E.D. Mich. 2004). Michigan requires that first-time voters without the identification required by HAVA vote provisionally and must return with identification within six days after the election in order for their vote to be counted. *Id.* The District Court ruled that the requirement was valid under the First and Fourteenth Amendments and under HAVA and Federal law. *Id.*

- **Statute:**
 - Mich. Comp. Laws Ann. § 168.495 (2005).
 - Mich. Comp. Laws Ann. § 168.509t (2005).
 - **Passed:**
 - § 168.495 – 1954, has been refined over time, but requirement since 1954.
 - § 168.509t – 1994 recognized registration by mail contingent on NVRA being constitutional; HAVA compliant portion added in 2004.
- **Session law:** none
- **Pending legislation:** HB 4228, 93rd Legis., 1st Reg. Sess. (Mich. 2005)(changing the name of the registration from “affidavit” to “application”) [referred to House Committee 2/8/05]
- **Case law (from annotations):**
 - *Bay County Democratic Party v. Land*, 347 F. Supp. 2d 404 (E.D. Mich. 2004): requirement that a voter without identification under HAVA on election day return with proper identification within six days after the election in order for his/her vote to be counted does not violate First or Fourteenth Amendment rights or violate HAVA or other Federal law.
 - Op. Atty. Gen. 1997, No. 6930: declaring photo identification requirement statute unconstitutional – Opinion binding on State agencies.
- **Administrative regulations:** none

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- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Registration affidavit required, which must contain name, address, birthplace, date of birth, driver's license or state identification card number (if the voter has one), statement that the voter is a citizen of the U.S., statement that the voter is or will be eighteen, statement that the voter has lived or will have lived in the state for thirty days prior to the election. Mich. Comp. Laws Ann. § 168.495 (2005).
 - **At polls:**
 - Any voter who registered by mail and is voting for the first time must vote in person and must provide identification (essentially HAVA). Mich. Comp. Laws Ann. § 168.509t (2) (2005).
 - Otherwise, voters do not have to meet any identification requirement at the polls. Mich. Comp. Laws Ann. § 168.736 (2005).
 - **Invalid statute:**
 - In 1996, Michigan passed a law requiring official state identification card, driver's license, or other generally recognized picture identification card (which must include name and residence address) be shown prior to receiving a ballot; without such identification, the voter must execute an affidavit and vote a challenged ballot. Mich. Comp. Laws Ann. § 168.523 (2005).
 - However, immediately after its passage, the law's validity was challenged. The Attorney General declared that the law violated the Equal Protection Clause of the Fourteenth Amendment. Op. Atty. Gen. 1997, No. 6930.
 - The rationale for doing so was that voting is a fundamental right, and the law is not "necessary" to prevent voter fraud, even though preventing voter fraud is a "compelling" interest. *Id.* The Attorney General felt that the qualified voter file, criminal penalties for voting fraud, and required affidavits were sufficient to prevent voter fraud. *Id.* In Michigan, Attorney General Opinions are binding on all state agencies, and this opinion was never overruled by a court. Thus, it is binding on election officials. However, the provision is still in Michigan's Code and has not been repealed.
 - **First time voters or all?**
 - First time voters.
 - **When?**
 - Identification must be provided at registration or at polls – HAVA requirements.
 - **What types of ID?**
 - Same types listed in § 303 (b) of HAVA. Mich. Comp. Laws Ann. § 168.509t (2) (2005).
Types allowed:
 - Driver's license with photo (any state); personal identification card with photo (any state); government issued photo identification

card; passport; student identification card with photo; credit or automated teller card with photo; military identification card with photo; employee identification with photo. Memorandum from Terry Lynn Land, Secretary of State (Oct. 13, 2004), http://www.michigan.gov/documents/Fed_ID_Req_105890_7.pdf.

- A paycheck or paycheck stub from any employer issued within the last year; a Social Security Administration check statement issued within the last year; government or military paycheck or paycheck stub issued within the last year; tax return check or check statement issued by the IRS or the State of Michigan within the last year; a gas, telephone, electric, water, cable or other utility bill issued within the last year; a statement from a bank or credit union dated within the last year; vehicle registration; Electronic Benefit Transaction (EBT) card; Department of Social Services (DSS) card; insurance card issued pursuant to a government administered or subsidized health insurance program such as Medicare or Medicaid; veteran's identification card; lease agreement provided under a public housing program or subsidized housing program; public housing identification card; tuition statement or bill from a public college or university; correspondence or a bill received from a federal, state or local government; discharge certificate, release papers, pardon, or other official document issued to the voter in connection with the resolution of a criminal case, indictment, sentence or other matter, in accordance with state law; discount card issued by a public transportation authority or a provider to senior citizens or persons with disabilities; marriage license. Memorandum from Terry Lynn Land, Secretary of State (Oct. 13, 2004), http://www.michigan.gov/documents/Fed_ID_Req_105890_7.pdf.
- **State or federal elections?**
 - Appears to be federal only since § 168.509t only requires identification "as required under section 303(b) of the help America vote act of 2002." Mich. Comp. Laws Ann. § 168.509t (2) (2005).
 - Also the Memorandum from the Secretary of State only refers to it as a "federal" requirement. Memorandum from Terry Lynn Land, Secretary of State (Oct. 13, 2004), http://www.michigan.gov/documents/Fed_ID_Req_105890_7.pdf.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Memorandum from Terry Lynn Land, Secretary of State (Oct. 13, 2004), http://www.michigan.gov/documents/Fed_ID_Req_105890_7.pdf.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Provide identification permitted under HAVA within six days after election.

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- **Challenge available at polls?**
 - Yes, and poll challengers permitted as well. Mich. Comp. Laws Ann. § 168.727 – 168.730 (2005).
- **Miscellaneous:**
 - Uses verification postcards, if returned by postal service, no registration. Mich. Comp. Laws Ann. § 168.500c (2005).
 - Already uses qualified voter file.

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MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Minnesota

Minnesota

Summary:

Minnesota requires identification prior to a voter being registered. Minn. Stat. § 201.061 (1) (2004). A mailed registration lacking identification or unique identifier (either social security number, state identification card number or driver's license number) is considered incomplete and does not register the voter. *Id.* Technically, Minnesota law requires a photo identification (driver's license, state identification card, passport, or student identification card) and if the address is not correct on that identification, another document with the voter's current address (tuition bill or utility bill). Minn. Stat. § 201.061 (3) (2004). Native Americans are permitted to show a tribal identification card with name, address and signature (requirement modified by law below). *Id.* As an alternative to formal identification, all registered voters are allowed to vouch for another voter's identity and residency and sign an affidavit to that effect. *Id.* These identification requirements only apply to new registrants and apply to all elections. Minnesota does not require any identification prior to voting; the voter must simply sign the register, attesting to his/her eligibility to vote. Minn. Stat. § 204C.10 (2004).

Minnesota just passed a new law regarding voter identification. 2005 Minn. Sess. Law Serv. Ch. 156, sec. 15, 45, § 201.061, § 204C.10 (West). The law allows employees of residential facilities (apartments, nursing homes, etc.), in addition to other voters, to vouch for the identity and address of residents of the facility and also limits the number of persons a voter (but not residential facility employees) may vouch for to fifteen. *Id.* The law also changes the affidavit used when a voter vouches for another voter and loosens the requirements for using a tribal identification card as identification. *Id.* It also changes the language of the affidavit the voter must sign prior to voting relating to felony disenfranchisement. *Id.*

Minnesota has many bills pending concerning voter identification requirements; however, many of the bills were considered settled in passing the recent voter identification law. Minnesota has considered a variety of changes to voter identification including requiring photo identification for all voters prior to voting as well as loosening the identification requirements for registration of new voters.

- **Statute:**
 - Minn. Stat. § 201.061 (2004).
 - Minn. Stat. § 204C.10 (2004).
 - **Passed:**
 - § 201.061 – At least since 1977.
 - § 204C.10 – 1981.
- **Session law:** 2005 Minn. Sess. Law Serv. Ch. 156, sec. 15, 45, § 201.061, § 204C.10 (West).
 - Bill: HF 1481, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(enacted).

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- § 204C.10: Changed language of affidavit voter must sign prior to voting concerning felony disenfranchisement – attesting that voter is not a felon.
- § 201.061: Changes provision concerning one voter vouching for another; allows an employee of a residential facility to vouch for a resident of the facility; limits the number of persons a voter may vouch for to fifteen; more specifics on content of affidavit vouching for a voter; tribal members using tribal identification card as identification not required to live on reservation.
- **Pending legislation:** bills considering adding a photo identification requirement for all voters and some bills considering loosening identification requirements for registration.
 - Both § 204C.10 & § 201.061
 - **HF 1443**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(requiring photo identification for all voters at polls & requiring proof of U.S. citizenship at registration) [House committee 3/3/05]
 - Companion Bill: SF 923
 - **SF 923**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(requiring photo identification for all voters at polls & requiring proof of U.S. citizenship at registration) [Senate committee 2/10/05]
 - Companion Bill: HF 1443
 - **SF 2266**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(adds utility bill, residential lease, bank statement, government check, paycheck, or other government document that shows the name and valid residential address of the voter to the list of valid forms of identification; loosens requirements for students – not requiring a photo ID with address ID; adds landlord to list of persons who can vouch for a voter; tribal members using tribal identification card as identification not required to live on reservation; changes language of felony disenfranchisement on voting affidavit) [first reading 4/26/05; second reading 4/27/05; amended 4/29/05; third reading & passed 4/29/05; HF 1481 substituted by motion 4/29/05]
 - HF 1481 substituted which was passed and signed into law.
 - **SF 1551**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(lengthening the time by which state agencies must forward voter registration applications to the secretary of state; adds utility bill, residential lease, bank statement, government check, paycheck, or other government document that shows the name and residential address of the voter to the list of valid identifications when presented in conjunction with a current photo identification and adds student lease (in conjunction with a photo identification) to list of valid identifications; adds landlord to list of persons who can vouch for a voter; changes language of felony disenfranchisement on voting affidavit) [Senate committee 3/10/05; referred to another committee 3/29/05; referred to another committee 4/7/05]
 - Absorbed into HF 1481, which was passed and signed into law.
 - Companion Bill: HF 2226
 - **HF 2342**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(eliminates requirement that tribal members using tribal identification card live on reservation; changes language of felony disenfranchisement on voting affidavit) [House committee 4/6/05]
 - Essentially accomplished through HF 1481
 - **SF 386**, 84th Legis. Sess., Reg. Sess. (Minn. 2005) (eliminates requirement that tribal members using tribal identification card live on reservation; changes language of

felony disenfranchisement on voting affidavit) [House committee 1/19/05; second reading 2/3/05; referred back to committee 2/3/05]

- Absorbed into HF 1481, which was passed and signed into law.

§ 204C.10 only

- **HF 1494**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(requires all voters to present picture ID, document issued by the State of Minnesota or US government, or tribal ID with name, address and date of birth prior to voting at polls– without identification, voter may execute affidavit and vote a regular ballot) [House committee 3/3/05]

201.061 only

- **HF 1785**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(eliminates requirement that tribal members using tribal identification card live on reservation) [House committee 3/14/05; second reading 4/11/05; referred back to committee 5/23/05]
 - Essentially accomplished through HF 1481
 - Companion Bill: SF 1692
- **HF 2226**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(lengthening the time by which state agencies must forward voter registration applications to the secretary of state; adds utility bill, residential lease, bank statement, government check, paycheck, or other government document that shows the name and residential address of the voter to the list of valid identifications when presented in conjunction with a current photo identification; adds student lease (in conjunction with a photo identification) to list of valid identifications) [House committee 3/30/05; second reading in House 4/18/05; referred back to committee 5/23/05]
 - Companion Bill: SF 1551
- **SF 852**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(adds current utility bill, residential lease, wireless telephone bill, bank statement, government check, paycheck, or other government document that shows the name and valid residential address of the voter to the list of acceptable identifications; loosens student identification requirements – not requiring an accompanying photo identification with address verification; eliminates requirement that tribal members using tribal identification card live on reservation) [first reading 2/10/05; referred to committee 2/10/05; second reading & returned to committee 3/29/05]
 - Absorbed into HF 1481, which was passed and signed into law.
 - Companion Bill: HF 975
- **HF 2099**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(limiting the number of voters that a person may vouch for to three) [House committee 3/23/05; second reading 4/7/05; referred back to committee 5/23/05]
- **HF 975**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(adds current utility bill, residential lease, wireless telephone bill, bank statement, government check, paycheck, or other government document that shows the name and valid residential address of the voter to the list of acceptable identifications; loosens student identification requirements – not requiring an accompanying photo identification with address verification; eliminates requirement that tribal members using tribal identification card live on reservation) [House committee 2/10/05]

- Companion Bill: SF 852
- **Case law (from annotations):**
 - *State v. Board of Educ. of City of Duluth*, 197 N.W. 964 (Minn. 1924): registration requirement as a prerequisite to voting is constitutional.
- **Administrative regulations:**
 - Minn. R. 8200.2900 (2004): deficient registration procedures – deficient registration is not a “challenged” voter, not registered.
 - Minn. R. 8200.3100 (2004): incomplete registrations – procedure for completing registration; notification.
 - Minn. R. 8200.3200 (2004): persons exempt from identification requirement – same as HAVA
 - Minn. R. 8200.5500 (2004): procedure & requirements for election day registration including identification requirements
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Minnesota modifies HAVA and requires a copy of identification be submitted with the mailed registration or driver’s license or social security number be provided on the registration form (which must be able to be verified against other state records). If not, the voter may:
 - Provide identification more than twenty days prior to the election to the county auditor
 - Register in person on election day
 - Provide proof of residence at the polls
 - Minn. Stat. § 201.061 (1) (2004).
 - **At polls:**
 - No, not unless for election day registration.
 - At polls, voter must only sign register, attesting to the fact that the voter is eligible to vote, and may be required to verify name, address, and date of birth. Minn. Stat. § 204C.10 (2004).
 - **First time voters or all?**
 - First time voters only – who did not provide either form of identification verification (DL or SS number or a copy of identification) with their mailed in registration. Minn. Stat. § 201.061 (2004).
 - **When?**
 - At registration technically because without identification the voter is not registered at all. Minn. Stat. § 201.061 (1a) (2004); Minn. R. 8200.2900 (2004).
 - **What types of ID?**
 - Driver’s license or Minnesota state identification card with current address (or bring utility bill with correct address together with driver’s license); passport with utility bill with current address; student identification card with current address; tuition bill in combination with photo identification card; affidavit by another registered voter vouching for the voter; tribal identification card with name, address and signature; and other identification forms approved by the Secretary of State. Minn. Stat. § 201.061 (3) (2004); Minnesota Secretary of

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State, Polling Place Posters (2004), <http://www.sos.state.mn.us/election/PollingPlacePosters.pdf>.

- **State or federal elections?**
 - Appears to apply to all elections, no distinction made in statute.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Voter is not registered. See Minn. Stat. § 201.061 (2004); Minn. R. 8200.2900 (2004).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Cannot vote, not registered. See Minn. Stat. § 201.061 (2004); Minn. R. 8200.2900 (2004).
- **Challenge available at polls?**
 - In a partisan election, each party gets one challenger at the polls; in a nonpartisan election, each candidate gets one challenger at the polls. Minn. Stat. § 204C.07 (2004).
- **Miscellaneous:**
 - Has postcard verification; if postcard returned, voter's status is changed to "challenged" and must comply with challenged voter rules. Minn. Stat. § 201.12 (2004).
 - Mail balloting permitted in municipal, county and state elections in small municipalities or unorganized portions of a county. Minn. Stat. § 240B.45 (1) (2004).

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MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Mississippi

Mississippi

Citation:

I was not sure how to cite some of these documents, but they are all included with the Mississippi sources. [ID requirement poster & 3 Administrative Procedures titled – “Mississippi Guide to Elections – 2004”]

Summary:

Mississippi has no statutes in its Code concerning voter identification specifically. Prior to HAVA, Mississippi did not require any identification to register or vote. Since HAVA, Mississippi delegated the authority to promulgate rules complying with HAVA to the Secretary of State. Miss. Code Ann. § 23-15-169.5 (2004). By rule, Mississippi has taken the HAVA requirements and applied them to State and Federal elections. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster). Essentially, the exact same rules apply, and the same forms of identification are acceptable. *Id.*; ID poster from Secretary of State – Elections website – http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg. If a voter lacks identification at the polls and did not provide it with his/her registration, the voter may cast an “affidavit ballot,” which is very similar to a provisional ballot. Mississippi Guide to Elections – 2004, July 12, 2004; ID poster from Secretary of State – Elections website – http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg.

At the polls, voters need only to state their name prior to voting, except for new registrants that did not provide identification with their registration. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).

Mississippi considered voter identification extensively in its last session, but ultimately, all bills introduced died in committee. Shelia Byrd, *Deadline Expires on Voter ID Bill – Changes in Marriage License Law Also Won't Be Made*, Memphis Commercial Appeal, March 2, 2005. This issue is expected to reemerge as a hot topic in the legislature’s next session. *Id.*

- **Statute:**
 - None concerning voter ID specifically, but, prior to HAVA, Mississippi did not require any identification for registration or voting.
 - **Passed:** N/A
- **Session law:** none
- **Pending legislation:**
 - Several bills concerning voter identification, some requiring photo identification, were introduced in the 2005 Session but all died in committee because of the March 1, 2005 deadline for pending bills to either pass the other chamber or die in committee: HB 1045, SB 2067, SB 2634, SB 2910, HB 1421, HB 1045, HB 996,

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HB 434, SB 2123, HB 345, HB 361, HB 185. – However, many similar proposals are expected to reemerge in the next session.

- **Case law (from annotations):** none
- **Administrative regulations:** No formal administrative code in Mississippi but the Secretary of State has the power to promulgate rules and has promulgated a series of rules implementing HAVA. (three relevant ones enclosed)
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Yes, but not beyond HAVA requirements except that it applies to all elections. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
 - **At polls:**
 - Nothing beyond HAVA requirements for new registrants; all other voters must simply state their name. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
 - **First time voters or all?**
 - First time voters/new registrants only. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
 - **When?**
 - Same as HAVA – either at registration or at polls. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
 - **What types of ID?**
 - Photo ID
 - Utility bill with name and address
 - Bank statement with name and address
 - Paycheck with name and address
 - Any other government document with name and address
 - Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster); ID poster from Secretary of State – Elections website - http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg.
 - **State or federal elections?**
 - Both, Mississippi's Secretary of State has promulgated several rules implementing HAVA's requirements for all elections in Mississippi. Mississippi Guide to Elections – 2004, July 12, 2004; ID poster from Secretary of State – Elections website - http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg.
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Voter may cast an "affidavit ballot," which is essentially the same thing as a provisional ballot. Mississippi Guide to Elections – 2004, July 12, 2004; ID poster from Secretary of State – Elections website – http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg.
 - Procedures for affidavit ballot – Miss. Code Ann. § 23-15-573 (2004).

- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Vote affidavit ballot which requires executing an affidavit including: name, address, telephone number, statement that the voter believes that he/she is registered to vote, and signature. The vote may or may not be counted depending on whether the voter's status can be determined after the election. Miss. Code Ann. § 23-15-573 (2004); Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
- **Challenge available at polls?**
 - Yes, poll watchers, election judges, registered voters, and candidates may challenge voters at the polls. Miss. Code Ann. § 23-15-571 (2004).

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MEMORANDUM

TO: Sara Sampson
FROM: Sarah Shive
DATE: August 21, 2005
RE: States for ID requirements chart: Missouri

Missouri

Summary:

Missouri requires voters to present a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registering to vote. §115.135.2 R.S. Mo.

If registering by mail for the first time, voters are asked to send a copy of valid photo identification. §115.155.1 R.S. Mo. If voters do not submit one of these documents, they will be asked to present a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license, or other personal identification when voting for the first time. *Id.*

Before receiving a ballot, a voter must present identification issued by Missouri, an agency of the state, or a local election authority in the state; identification issued by the U.S. government or an agency; identification issued by an institute of higher education located in Missouri; a copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter; a driver's license or state identification card issued by another state; or other identification approved by the Secretary of State. §115.427.1 R.S. Mo. If two election judges, one from each party, personally know the voter and vouch for their identity, signing an affidavit, this may be substituted for other identification. *Id.*

A voter who has registered to vote by mail but does not present proper identification at the polls when voting in person for the first time may cast a provisional ballot. §115.159.2 R.S. Mo. A voter who has registered by mail but did not submit identification and has not voted in person and presented identification may not vote by absentee ballot. *Id.*

• **Statutes:**

○ **Passed:**

- **§115.135.2** – 1977; 1994 changed “no person shall be allowed to register unless he or she presents...identification” to “A person applying to register with an election authority or a deputy registration official shall present...identification.”
- **§115.155.1** – 1977; 2003 added language to the voter registration form asking the voter to submit a copy of valid photo identification or other personal identification, or a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows their name and address (the latter portion being later repealed) when registering by mail, or to be prepared to present identification when voting for the first time.
- **§115.159** – 1977; 2003 added permission for a voter who had registered by mail but had not presented proper identification to vote provisionally, and indicated that a voter who registered by mail may vote absentee for the first time if they submitted proper identification with their application to register.

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- **§115.427 – 1977**; indicates that before voting, a voter must present identification issued by Missouri, an agency of the state, or a local election authority in the state; identification issued by the U.S. government or an agency; identification issued by an institute of higher education located in Missouri; a copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter; a driver’s license or state identification card issued by another state; or other identification approved by the Secretary of State. Additionally, two election judges, one from each party, may vouch for the identity of the voter if they know the voter personally.
- **Session law/recent legislation passed:**
 - **2005 Mo. HB 353**: adds to §115.135.2 the specific enumeration “a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship” as acceptable forms of identification to show when registering to vote. [HB 353, signed by governor July 17, 2005]. Also deletes from the voter registration form outlined in §115.155.1 language allowing a voter to submit a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows their name and address when registering by mail in order to avoid being asked for identification when voting for the first time.
- **Pending legislation:**
 - **2005 Mo. H.B. 149/2005 Mo. H.B. 762**: proposes to change §115.159 to prohibit a voter who registered by mail from being given an advance (rather than absentee) ballot unless they have provided proper identification either in person or by mail. (Feb. 10, 2005/Mar. 31, 2005)
 - **2005 Mo. S.B. 472**: proposes to change §115.159 to prohibit a voter who registered by mail from being given an advance (rather than absentee) ballot unless they have provided proper identification either in person or by mail. (Mar. 2, 2005)
 - **2005 Mo. H.B. 66**: proposes to change §115.135 and §115.155 such that a voter would be required to present both a valid Missouri driver’s license or other form of personal identification and a copy of a birth certificate or other proof of United States citizenship when registering in person, or to submit both a copy of current, valid photo identification and a copy of a birth certificate or other proof of United States citizenship when registering by mail. (Jan. 6, 2005)
 - **2005 Mo. S.B. 50**: proposes to change §115.135 and §115.155 such that a voter would be required to present both a valid Missouri driver’s license or other form of personal identification and a copy of a birth certificate, Social Security card, or other proof of United States citizenship when registering in person, or to submit both a copy of current, valid photo identification and a copy of a birth certificate, Social Security card, or other proof of United States citizenship when registering by mail. (Mar. 8, 2005)
- **Case law (from annotations):**
 - none
- **Administrative regulations:**

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