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### State and Local Government

#### I-13 Voter Registration and Identification

##### Voter Registration Requirements

###### *National Voter Registration Requirements*

Federal and state elections in the United States are generally run by the states themselves, according to Article I and Article II of the *U.S. Constitution*. Nevertheless, there are some federal requirements that impact voter registration in the states.

The Voting Rights Act of 1965 allows all U.S. citizens to vote at any election in any state, so long as they are otherwise qualified by law to vote in that election (42 USC §1971).

The National Voter Registration Act of 1993 (NVRA), also known as the "Motor Voter" law, expanded the locations where a person may register to vote by requiring states to allow driver's license applications to also serve as an application for voter registration. The NVRA requires a voter registration application made as part of a driver's license application to include a statement containing each eligibility requirement (including citizenship) for that state (42 USC § 1993gg-3).

Finally, the Help America Vote Act (HAVA) (Public Law 107-252, Section 303) requires applicants to provide one of the following when registering to vote:

- The applicant's driver's license number, if the person possesses a current and valid driver's license;
- The last four digits of the applicant's Social Security number, if the person does not possess a driver's license; or
- The applicant's state assigned identification number for voter registration purposes, for those applicants with neither a driver's license nor a Social Security number.

###### *State Voter Registration Requirements*

Every state except North Dakota requires voter registration.

Generally, state voter registration laws require applicants to:

- Be 18 years old on or before the next election;

- Be a resident of the state where they are registering;
- Not be in jail and not have been convicted of a felony (or have had civil rights restored);
- Be mentally competent/not declared incapacitated; and
- Not be registered to vote in another state.

### *Same-day Voter Registration*

Most states also have registration deadlines applicants must comply with to qualify to vote in an upcoming election. As of March 2018, 18 states and the District of Columbia (D.C.) have laws that allow same-day voter registration. Sixteen of these states allow same-day registration on Election Day. Two states (Maryland and North Carolina) allow same-day registration only during the early voting period. See Chart 1 for more information on registration deadlines.

### *Online Voter Registration*

As of September 2018, 37 states and D.C. have laws allowing for online voter registration. Arizona was the first state to use online voter registration in 2002. Oklahoma is the most recent state to adopt the practice, passing authorizing legislation in 2018. The states that have not provided for the use of online voter registration are Arkansas, Maine, Michigan, Mississippi, Montana, New Hampshire, New Jersey, North Carolina, North Dakota (no registration required), South Dakota, Texas, Wisconsin, and Wyoming.

### *Preregistration*

The minimum age to vote in all federal and state elections is 18 years old. However, many states allow persons who are not yet 18 years old to register to vote before they turn 18 so they will be added to the voter roles and able to vote as soon as they reach the required age. This practice is commonly referred to as preregistration and is administered by states in a variety of ways.

Twenty-seven states allow an individual to register to vote if they will turn 18 on or before the next election, usually referring to the next general election. Thirteen states and D.C. begin preregistration at 16 years of age, and 4 states allow such registrations beginning at 17 years of age. Five other states have their own unique age requirements: Alaska 90–days before 18th birthday; Georgia, Iowa, and Missouri 17 years, 6 months old; Texas 17 years, 10 months old.

North Dakota does not require voters to register, but specifies that qualified electors must be 18 years of age.

### *Automatic Voter Registration*

The NRVA of 1993 required states to allow individuals to register to vote when applying for or renewing their driver's licenses. Some states have taken this requirement a step further and adopted automatic voter registration (AVR). AVR is a process by which individuals are automatically registered to vote and must opt-out if they do not wish to be on the voter rolls. As of August 2018, 13 states and D.C. have implemented AVR.

## **Voter Identification Requirements**

As of March 2018, 34 states have enacted laws requiring or requesting voters to provide some form of identification (ID) before voting. However, there are many variations as to which forms of ID are accepted, whether the ID is required to include a photo, and what happens if a voter does not provide the required or requested ID upon arriving at the polling place. See Chart 2 for more information on individual state's requirements for Voter ID.

### **Kansas Law**

Prior to the 2011 Legislative Session, Kansas law required persons voting for the first time in a county to provide ID unless they had done so when they registered. At that time, acceptable ID forms included a current, valid Kansas driver's license or nondriver's ID card, utility bill, bank statement, paycheck, government check, or other

government document containing the voter’s current name and address as indicated on the registration book. A voter’s driver’s license copy or number, nondriver’s ID card copy or number, or the last four digits of the voter’s Social Security number were acceptable when the voter was applying for an advance ballot to be transmitted by mail.

In 2011, the law changed significantly through the passage of HB 2067. Effective January 1, 2012, all those voting in person were required to provide photo ID at every election (with the exception of certain voters, such as active duty military personnel, absent from the country on Election Day), and all voters submitting advance ballots by mail were required to include the ID number on, or a copy of, a specified form of photo ID for every election. Free nondriver’s ID cards and free Kansas birth certificates were available to anyone 17 or older for the purposes of meeting the new photo voter ID requirements. Each applicant for a free ID had to sign an affidavit stating he or she plans to vote and possesses no other acceptable ID form. The individual also had to provide evidence of being registered to vote. Relatively minor amendments were also made in 2012 SB 129, including adding an ID card issued by a Native American tribe to the list of photo ID documents acceptable for proving a voter’s identity when voting in person.

A U.S. District Court judge issued an order striking down Kansas’ Voter ID law as it applies to registration for federal elections on June 18, 2018. [*Fish v. Kobach*, 309 F. Supp.3d 1048 (D. Kan, 2018).]

Chart 1	
State	Voter Registration Deadline
AL	Postmarked/Delivered 15 days prior to election
AK	30 days before election
AZ	29 days before election
AR	30 days before election
CA	Same Day Voter Registration
CO	Same Day Voter Registration
CT	Same Day Voter Registration
DE	4th Saturday before general/primary election; 10 days before special elections
DC	Same Day Voter Registration

State	Voter Registration Deadline
FL	29 days before election
GA	5th Monday before elections, special elections have different rule
HI	Same Day Voter Registration
ID	Same Day Voter Registration
IL	Same Day Voter Registration
KY	29 days before election
LA	30 days before election
IN	29 days before election
IA	Same Day Voter Registration
KS	21 days before election
ME	Same Day Voter Registration
MD*	Same Day Voter Registration
MA	20 days before election
MI	30 days before election
MN	Same Day Voter Registration
MS	30 days before election
MO	28 days before election
MT	30 days before election
NE	3rd Friday before election or delivered by 6:00 p.m. 2nd Friday before election
NV	5th Saturday before primary or general, in person (County Clerk/Registrar of Voters) until 9:00 p.m. Tuesday before election
NH	Same Day Voter Registration
NJ	21 days before election
NM	28 days before election
NY	25 days before election
NC*	Same Day Voter Registration
ND	No Voter Registration Requirement
OH	30 days before election
OK	25 days before election
OR	21 days before election
PA	30 days before election
RI	30 days before election
SC	30 days before election
SD	15 days before election
TN	30 days before election
TX	30 days before election
UT	Same Day Voter Registration
VT	Same Day Voter Registration
VA	22 days before election
WA	Same Day Voter Registration
WV	21 days before election
WI	Same Day Voter Registration
WY	Same Day Voter Registration

\*Allows same day registration only during early voting period

<b>Chart 2</b>			
<b>State</b>	<b>ID Requirement</b>	<b>Photo</b>	<b>Notes</b>
<b>AL</b>	ID requested	Photo required	If no ID, 2 election workers can sign an affidavit attesting to voter's identity. Otherwise, the voter votes a provisional ballot and must provide ID within 4 days
<b>AK</b>	ID requested	No photo required	Election official can waive ID requirement if they know the voter
<b>AZ</b>	ID required	No photo required	If no ID, vote provisional ballot and must present ID within 5 days
<b>AR</b>	ID requested	Photo required	If no ID, vote provisional ballot with sworn statement that voter is registered, counted if voter returns with valid ID or Board of Elections Commissioners does not determine the ballot is invalid
<b>CA</b>	No ID required		
<b>CO</b>	ID requested	No photo required	Colorado uses mail elections, ID only impacts those persons who chose to vote in person
<b>CT</b>	No ID required		
<b>DE</b>	ID requested	No photo required	If no ID, voter signs affidavit attesting to their identity
<b>FL</b>	ID requested	Photo required	If ID not presented, voter votes provisional ballot and officials compare signature to one on record
<b>GA</b>	ID required	Photo required	If no ID, voter votes provisional ballot and must return to show ID within 3 days
<b>HI</b>	ID requested	No photo required	If no ID, date of birth and address used to corroborate identity
<b>ID</b>	ID requested	Photo required	If no ID, voter signs affidavit with name and address
<b>IL</b>	No ID required		
<b>KY</b>	ID requested	No photo required	If no ID, voter signs oath attesting to qualifications
<b>LA</b>	ID requested	Photo required	If no ID, voter signs affidavit and provides date of birth and other information
<b>IN</b>	ID required	Photo required	If no ID, voter votes provisional ballot and must return to show ID within 6 days or sign affidavit swearing indigence or religious objection
<b>IA</b>	ID requested	No photo required	If no ID, voter signs oath verifying identity and is allowed to vote regular ballot
<b>KS</b>	No ID required	Voter ID law struck down in 2018	
<b>ME</b>	No ID required		
<b>MD</b>	No ID required		
<b>MA</b>	No ID required		
<b>MI</b>	ID requested	No photo required	If no ID, voter signs affidavit and is allowed to vote regular ballot
<b>MN</b>	No ID required	Voter ID turned down by voters in 2012	
<b>MS</b>	ID required	Photo required	If no ID, voter votes on provisional ballot and must return within 5 days to show ID or sign affidavit attesting to religious objection to being graphed
<b>MO</b>	ID requested	No photo required	If no ID, voter can cast regular ballot if 2 election officials attest they know voter
<b>MT</b>	ID requested	No photo required	If no ID, voter votes on provisional ballot and signature on ballot envelope is matched to one on file
<b>NE</b>	No ID required		
<b>NV</b>	No ID required		
<b>NH</b>	ID requested	No photo required	If no ID, voter signs challenged voter affidavit and votes regular ballot. After election mailing is sent to voter, voter must sign and return or be investigated for voter fraud
<b>NJ</b>	No ID required		
<b>NM</b>	No ID required		

Chart 2			
State	ID Requirement	Photo	Notes
NY	No ID required		
NC	No ID required	2013 Voter ID law struck down	
ND	ID required	No photo required	If no ID, voter casts ballot that is set aside in sealed envelope. Voter must provide ID within 6 days for ballot to be counted
OH	ID required	No photo required	If no ID, voter votes on provisional ballot and must return to show ID within 10 days
OK	ID requested	No photo required	If no ID, voter votes provisionally and election officials verify information provided. Voter registration card accepted as ID
OR	No ID required		
PA	No ID required	2012 Voter ID law struck down	
RI	ID requested	Photo required	If no ID, voter votes provisionally and election officials check the signature against any on file
SC	ID requested	Photo not required	If no ID can be shown, voter registration card. Voter who does not show ID votes provisionally and must return to show ID after election
SD	ID requested	Photo required	If no ID requested, voter provides name and address and signs an affidavit
TN	ID required	Photo required	If no ID, voter votes provisionally and must return within 2 days to show ID or sign affidavit attesting indigence or religious objection
TX	ID requested	Photo required	If no ID and cannot obtain one, voters can present a supporting form of ID and execute a Reasonable Impediment Declaration
UT	ID requested	No photo required	If no ID, county clerk can verify through other means
VT	No ID required		
VA	ID required	Photo required	If no ID, voter votes provisionally and must return within 3 days to show ID
WA	ID requested	No photo required	Washington holds mail elections, so ID requirement affects few voters
WV	ID requested	No photo required	If no ID, voter votes provisionally and must return to show election inspectors ID by the time the polls close or show ID to municipal clerk no later than 4:00 p.m. on Friday following election
WI	ID required	Photo required	
WY	No ID required		

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