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NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

State Requirements for Voter Identification

Updated September 21, 2006

First-Time Voters

The federal Help America Vote Act mandates that all states require identification from first-time voters who registered to vote by mail and did not provide verification of their identification with their mail-in voter registration.

Blanket Voter ID

Twenty-four states have broader voter identification requirements than what HAVA mandates. In these states, all voters are asked to show identification prior to voting. Seven of these states specify that voters must show a photo ID; the other seventeen states accept additional forms of identification that do not necessarily include a photo (Table 1). In no state is a voter who cannot produce identification turned away from the polls—all states have some sort of recourse for voters without identification to cast a vote. For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see Table 2.

Table 1: State Requirements for Voter Identification

States that Request or Require Photo ID	States that Require ID (Photo not Required)	
Florida Georgia* Hawaii Indiana Louisiana Missouri* South Dakota	Alabama Alaska Arizona* Arkansas Colorado Connecticut Delaware Kentucky Montana	New Mexico North Dakota Ohio South Carolina Tennessee Texas Virginia Washington

* Laws overturned by courts, September and October 2006. Arizona's voter-approved ID law was enjoined by a federal appeals court on October 6, 2006. Further appeals are pending in Georgia and Missouri as well as a trial in the Arizona case. See notes in Table 2 below for more details.

Recent Legislative Action

New voter ID laws passed in 2003: Alabama, Colorado, Montana, North Dakota, South Dakota

New voter ID laws passed in 2005: Indiana, New Mexico, Washington

Also in 2005: Georgia tightened its existing voter ID law to require photo ID

New voter ID laws passed in 2006: Ohio

Also in 2006: Georgia passed SB 84, providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card. Georgia's voter

Source: National Conference of State Legislatures
October 2006

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photo ID law was enjoined from enforcement in July 2006. This affects the primary, general and any runoff elections in 2006.

Also in 2006: Missouri tightened its existing voter ID law to require *photo* ID although a state court stayed the provision in September.

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September 2006

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Table 2: Details of Voter Identification Requirements

State	Requirement	Acceptable Forms of ID	Voters Without ID
Alabama §17-11A-1	Each elector shall provide identification to an appropriate election official prior to voting.	<ul style="list-style-type: none">▪ Government-issued photo ID▪ Employee ID card with photo▪ Alabama college/university ID with photo▪ Utility bill▪ Bank statement▪ Government check▪ Paycheck▪ ID card issued by any state or the U.S. government▪ U.S. passport▪ Alabama hunting license▪ Alabama fishing license▪ Alabama gun permit▪ FAA-issued pilot's license▪ U.S. military ID▪ Birth certificate (certified copy)▪ Social security card▪ Naturalization document▪ Court record of adoption▪ Court record of name change▪ Medicaid or Medicare card▪ Electronic benefits transfer card▪ Government documents showing name and address of voter	Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name.
Alaska §15.15.225	Before being allowed to vote, each voter shall exhibit to an election official one form of identification.	<ul style="list-style-type: none">▪ Official voter registration card▪ Driver's license▪ Birth certificate▪ Passport	An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit

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		<ul style="list-style-type: none"> ▪ Hunting or fishing license ▪ Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address 	a required form of identification shall be allowed to vote a questioned ballot.
Arizona ^c §16-579A (Enacted by Prop. 200 in Nov. 2004; SOS rules pre-cleared by USDOJ 10/7/05)	Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.	<ul style="list-style-type: none"> ▪ Valid Arizona driver's license ▪ Valid Arizona non-driver identification ▪ Tribal enrollment card or other form of tribal identification ▪ Valid U.S. federal, state or local government issued identification ▪ Utility bill dated within 90 days of the election ▪ Bank or credit union statement dated within 90 days of the election ▪ Valid Arizona vehicle registration ▪ Indian census card ▪ Property tax statement ▪ Vehicle insurance card ▪ Recorder's Certificate 	An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.
Arkansas §7-5-305(a)(8)	Election officials shall request the voter to provide identification	<ul style="list-style-type: none"> ▪ Driver's license ▪ Government-issued photo ID ▪ Voter card ▪ Social security card ▪ Birth certificate ▪ U.S. passport ▪ Employee ID card ▪ Student ID card ▪ Arkansas hunting license ▪ U.S. military ID card ▪ Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and 	If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.

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		address of the voter	
Colorado §1-1-104(19.5) and 1-7-110	Any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5).	<ul style="list-style-type: none"> ▪ Colorado driver's license ▪ CO Dept. of Revenue ID card ▪ U.S. passport ▪ Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO ▪ Pilot's license ▪ U.S. military ID with photo ▪ A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector ▪ Medicare or Medicaid card ▪ Certified copy of birth certificate ▪ Certified documentation of naturalization 	<p>An eligible elector who is unable to produce identification may cast a provisional ballot.</p> <p>Elector must mail a photocopy of identification to county clerk in order to have provisional ballot counted. (this paragraph added following a Feb. 2006 conversation with an election official; NCSL staff unable to verify this in CO statutes or rules)</p>
Connecticut §9-261	Each elector shall present identification	<ul style="list-style-type: none"> ▪ Social Security card ▪ Other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph 	Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.
Delaware Tit. 15, §4937	A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity	<ul style="list-style-type: none"> ▪ Photo ID ▪ Utility bill ▪ Paycheck ▪ Any government document with voter's name and address 	In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.
Florida §97.0535(3)(a) and §101.043	The clerk or inspector shall require each elector, upon entering the polling place, to present a current and	<ul style="list-style-type: none"> ▪ Florida driver's license ▪ Florida ID card issued by the Dept. of Highway Safety and Motor 	The person shall fill out, in his or her own handwriting or with assistance from a member of the election board,

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	valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.	<p>Vehicles</p> <ul style="list-style-type: none"> ▪ U.S. passport ▪ Employee badge or identification ▪ Buyer's club identification ▪ Debit or credit card ▪ Military identification ▪ Student identification ▪ Retirement center identification ▪ Neighborhood association ID ▪ Entertainment identification ▪ Public assistance identification 	the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted to cast his or her vote, but if the person fails or refuses to make out or file such affidavit, then he or she shall not be permitted to vote.
Georgia ^a §21-2-417	Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place.	<p>Any of the following are acceptable, provided they contain a photograph of the elector:</p> <ul style="list-style-type: none"> ▪ Georgia driver's license ▪ Georgia voter ID card (available for free to registered electors who do not have a valid driver's license or state-issued ID card) ▪ ID card issued by the state of Georgia, any entity of the state, any other state or the federal government ▪ U.S. passport ▪ Employee ID card issued by the federal or state government or any entity of the state ▪ U.S. military identification card ▪ Tribal ID card 	If an elector is unable to produce any of the items of identification listed, he or she shall be allowed to vote a provisional ballot upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector within the time period for verifying provisional ballots. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.
Hawaii §11-136	Every person shall provide identification if so requested by a precinct official.	Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.	If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.

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<p>Indiana §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25</p>	<p>A voter who desires to vote an official ballot at an election shall provide proof of identification</p>	<p>Specific forms of ID are not listed. ID must be issued by the state of Indiana or the U.S. government and must show the name and photo of the individual.</p>	<p>Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.</p>
<p>Kentucky §117.227</p>	<p>Election officers shall confirm the identity of each voter by personal acquaintance or by a document.</p>	<ul style="list-style-type: none"> ▪ Driver's license ▪ Social Security card ▪ Credit card 	<p>When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote.</p>
<p>Louisiana §18:562</p>	<p>Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.</p>	<ul style="list-style-type: none"> ▪ Louisiana driver's license ▪ Louisiana special ID card ▪ Other generally recognized picture identification 	<p>If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and 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 commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.</p>

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<p>Missouri^b §115-427</p>	<p>Before receiving a ballot, voters shall establish their identify and eligibility to vote at the polling place by presenting a form of personal identification.</p>	<ul style="list-style-type: none"> ▪ Missouri driver's license ▪ Missouri nondriver's license ▪ A document that satisfies all of the following requirements: (a) contains individual's name, which conforms to the individual's most recent signature in the voter registration record; (b) contains a photograph or digital image of the individual; (c) includes an expiration date and is not expired; (d) document was issued by the U.S. or the state of Missouri ▪ Any identification containing a photograph issued by the Missouri National Guard, the U.S. Armed Forces, or the U.S. Dept. of Veterans Affairs issued to a member or former member of the U.S. or Missouri armed forces and does not have an expiration date 	<p>An individual who does not have the required identification may execute an affidavit averring that the individual is the person listed in the precinct register and that the voter does not possess the required identification and is unable to acquire the required identification because of</p> <ol style="list-style-type: none"> (1) a physical or mental handicap of the voter (2) a sincerely held religious belief against the forms of required identification (3) the voter being born before January 1, 1941 <p>Upon executing the affidavit, the individual may vote a provisional ballot. Eligibility is determined by comparing the signature on the provisional ballot with the signature of the voter in the voter registration record.</p>
<p>Montana §13-13-114</p>	<p>Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.</p>	<ul style="list-style-type: none"> ▪ Driver's license ▪ School district or postsecondary education photo identification ▪ Tribal photo identification ▪ Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address 	<p>If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.</p>
<p>New Mexico §1-12-7.1(D)</p>	<p>All voters must provide identification.</p>	<ul style="list-style-type: none"> ▪ An original or copy of a current and valid photo identification with or without an address, which address is not required to match 	<p>If the voter does not provide the required voter identification, the voter shall be allowed to vote on a provisional ballot and shall provide</p>

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		<p>the voter's certificate of registration or a voter identification card</p> <ul style="list-style-type: none"> ▪ Utility bill ▪ Bank statement ▪ Government check ▪ Paycheck ▪ Student identification card ▪ Other government document, including identification issued by an Indian nation, tribe or pueblo <p>(All of the above must show the name and address of the person, the address of which is not required to match the voter's certificate of registration)</p> <ul style="list-style-type: none"> ▪ Verbal or written statement of the voter's name, year of birth and unique identifier 	<p>the required voter identification to the county clerk's office before the county canvass begins, or to the precinct board before the polls close, or the voter's provisional ballot shall not be qualified. If the required voter identification is provided, the voter's provisional ballot shall be qualified and the voter shall not vote on any other type of ballot.</p>
<p>North Dakota §16.1-05-07</p>	<p>Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.</p>	<ul style="list-style-type: none"> ▪ An official form of identification issued by the state; ▪ An official form of identification issued by a tribal government ▪ A form of identification prescribed by the secretary of state 	<p>If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.</p>
<p>Ohio §3503.16(B)(1)(a) and</p>	<p>All voters must provide to election officials at the polling place on the</p>	<ul style="list-style-type: none"> ▪ Current and valid photo identification, defined as a 	<p>A voter who has but declines to provide identification may cast a</p>

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10

<p>3505.18(A)(1)</p>	<p>day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.</p>	<p>document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio</p> <ul style="list-style-type: none"> ▪ Current utility bill ▪ Current bank statement ▪ Current government check, paycheck or other government document 	<p>provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.</p>
<p>South Carolina §7-13-710</p>	<p>When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration.</p>	<ul style="list-style-type: none"> ▪ Voter registration certificate ▪ South Carolina driver's license ▪ South Carolina Dept. of Motor Vehicles photo ID card 	<p>Voters without ID may be permitted to vote a provisional ballot. This varies from county to county. Whether the provisional ballot is counted is at the discretion of the county commissioners at the provisional ballot hearing.</p>
<p>South Dakota §12-18-6.1 and 6.2</p>	<p>When a voter is requesting a ballot, the voter shall present a valid form of personal identification.</p>	<ul style="list-style-type: none"> ▪ South Dakota driver's license or nondriver identification card ▪ U.S. passport ▪ Photo ID issued by an agency of the U.S. government ▪ Tribal ID card, including a photo ▪ Student ID card, including a photo, issued by a South Dakota school 	<p>If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.</p>
<p>Tennessee §2-7-112</p>	<p>A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.</p>	<ul style="list-style-type: none"> ▪ Voter registration certificate ▪ Tennessee driver's license ▪ Social Security card ▪ Credit card bearing voter's signature ▪ Other document bearing voter's signature 	<p>If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.</p>

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<p>Texas Election Code §63.001 et seq.</p>	<p>On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.</p>	<ul style="list-style-type: none"> ▪ Voter registration certificate OR ▪ Driver's license ▪ Department of Public Safety ID card ▪ A form of ID containing the person's photo that establishes the person's identity ▪ A birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity ▪ U.S. citizenship papers ▪ A U.S. passport ▪ Official mail addressed to the person, by name, from a governmental entity ▪ A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address ▪ Any other form of ID prescribed by the secretary of state 	<p>A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession and the voter presents other proof of identification. A voter who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.</p>
<p>Virginia §24.2-643(B)</p>	<p>The officer shall ask the voter to present any one of the specified forms of identification.</p>	<ul style="list-style-type: none"> ▪ Virginia voter registration card ▪ Social Security card ▪ Virginia driver's license ▪ any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States ▪ employee identification card containing a photograph 	<p>If a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter who he claims to be.</p>
<p>Washington §29A.44.205</p>	<p>Any person desiring to vote at any primary or election is required to</p>	<ul style="list-style-type: none"> ▪ Valid photo identification, such as a driver's license or state 	<p>Any individual who desires to vote in person but cannot provide</p>

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	provide identification to the election officer before signing the poll book.	identification card, student identification card, or tribal identification card <ul style="list-style-type: none"> ▪ A voter's voter identification issued by a county elections officer, or ▪ A copy of a current utility bill, bank statement, paycheck, or government check or other government document 	identification as required by this section shall be issued a provisional ballot.
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- a) Georgia's photo ID law was struck down by a Fulton County Superior Court judge on September 19, 2006. The attorney general has said the case will be appealed to the Georgia Supreme Court. If the ruling in this case stands, voters will not have to show photo ID in November, but will still have to show one of 17 forms of ID specified in an earlier voter ID law. A separate Georgia case is pending in a U.S. District Court, where a judge stopped enforcement of the photo ID law for the July primaries and again for 9/19/06 special elections. A ruling in the federal case pertaining to the November general election has not yet been issued. The same federal judge ruled against an earlier version of a photo ID law in Georgia in 2005, prompting the legislature to make changes to the law in 2006.
- b) Missouri's photo ID law was struck down by a Cole County Circuit Court judge on 9/14/06, saying it constituted "an impermissible additional qualification to vote." An appeal to the Missouri Supreme Court is likely.
- c) Provisions of Proposition 200, Arizona's voter ID law and proof of citizenship for voter registration law, were enjoined from use in the 2006 election by a panel of the U. S. Court of Appeals for the 9th Circuit on October 6, 2006. A full trial on the case challenging the law is scheduled for late 2006.

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