

ELECTION REFORM

Briefing

APRIL 2002

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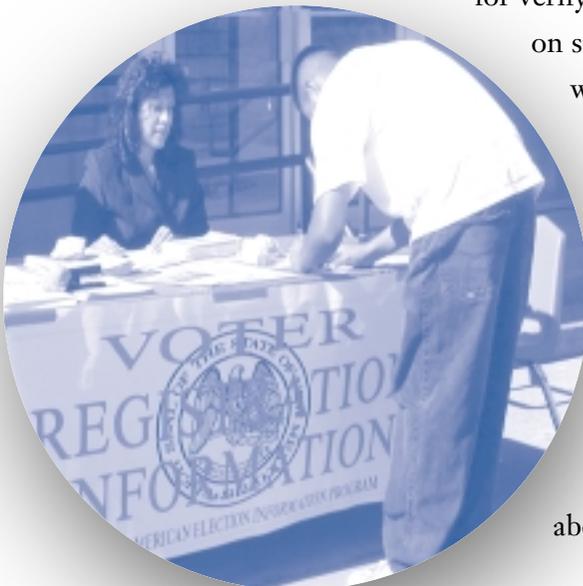
Voter Identification

Striking a balance between making it easy to vote while ensuring that it is difficult to cheat is an ongoing and frequently divisive aspect of election administration.

States use a variety of methods to verify voters' identity and eligibility to vote. These methods range from having voters sign a poll book to having them provide documentary proof of eligibility and/or identity. Almost no procedure generates more debate than requiring voters to provide photo identification.

In this briefing, the third in a series examining election reform issues, *electionline.org* and the Constitution Project reviewed state practices for verifying voters' eligibility and identity. While the first two reports on statewide voter registration and provisional ballots looked at what most consider consensus issues in election reform, this survey and report deal with one of the most divisive issue in elections – how to identify voters at the polls and what should be required of them.

The survey indicates a wide variety of practices around the country – from procedures requiring nothing more than voters stating their names to rules ordering voters to produce picture identification before casting ballots. It found that some states have left to localities the decision about whether to ask for identification.



The survey also found that if identification for first-time voters or those who register by mail is part of a federal election reform plan, the vast majority of states will need to alter their practices. A review of court cases, U.S. Department of Justice opinions and other legal documents indicates that the controversy over voter identification will not end with the passage of a federal law. In fact, it could signal a new round of litigation.

From Friendly Hellos to Sworn Affidavits

For some states, the process of identifying voters is quick and easy. In states such as Kansas and Vermont, a person's name on the registration list is identification enough. A voter can walk up to the polls, wave a friendly hello at a familiar poll worker and take a ballot. Identifying voters is easy – the voter is a neighbor, co-worker or friend.

“In most areas, they actually know you, because they recognize you. We still have a lot of those areas,” said Brad Bryant, Kansas election director. “Generally, our legislators have not shown any interest in voter identification at the polls when the subject has come up in recent years.”¹

But other states have implemented more stringent requirements.

Eleven states require voters to present documentary identification at the polls. Acceptable forms of identification vary but typically include: a government-issued identification card, utility bill, credit card, military ID, or some other piece of information that might include a picture, date of birth, home address or signature. Those who lack the acceptable ID may usually sign an affirmation and cast a normal ballot – except in South

Carolina, where those without IDs are turned away from the polls.

A Wide Ideological Divide

To supporters, asking a voter for identification grants the process of exercising one's franchise the same level of security as renting a movie, taking a book out of the library or cashing a check at the supermarket. In 21st century America, they argue, the need for identification is as routine as it is essential; state-issued picture identification is required by some employers, of every driver, and even of teenagers in high school and middle school.

reason in everyday life to possess the identification others use so routinely. They also note that many people who register to vote at motor vehicle bureaus or other state agencies have already identified themselves in the course of their transactions.

New Hampshire Gov. Jeanne Shaheen, a Democrat, vetoed a Republican-backed voter identification bill, saying that the state “should be doing everything possible to encourage people to participate in the electoral process, not discourage them.”³

Michigan Attorney General Frank Kelley rejected a 1997 state law that would have required voters

“In most areas, they actually know you, because they recognize you.”

– Brad Bryant, Kansas election director

Others say that voter identification can serve as an effective, low-cost solution to out-of-date voter registration databases. The recently formed Mississippians for Voter Identification argues that requiring ID at the polls would help ensure that some 140,000 ineligible residents would not be able to participate in the process – without spending the millions of dollars and labor hours necessary to create a statewide database.²

To opponents, however, voter ID is the equivalent of a modern poll tax: a barrier to voting placed squarely in front of those who would be intimidated the most – elderly voters, voters who do not speak English, and the poor, many of whom have no

to produce an identification card or sign an affidavit, saying that no evidence of voter fraud existed, making the law a remedy without a cause.⁴

Regardless, the Justice Department has under certain conditions approved voter ID programs in a number of states requiring Voting Rights Act preclearance, including Louisiana and Virginia.

Possible Congressional Mandates

Bipartisan and nonpartisan task forces studying election reform in the wake of the 2000 election avoided the voter identification controversy.

Congress, however, has not. S. 565, the Senate's election reform

package, would require first-time voters or voters who have moved to a new jurisdiction and have registered by mail to show documentary identification when they vote. Those who vote by mail or absentee ballot would need to include a copy of the identification with their ballot. States would also be eligible for federal funds to develop broader voter identification programs.⁵

This provision in the Senate bill proved controversial enough to torpedo debate on the bill. In the past month, Senators have worked to craft a new compromise on the identification requirements.⁶

legislation that would alter rules to require ID at the polls. In most cases, the bills would have allowed for affidavits as a back-up.

In 2001, 25 states considered bills that would introduce some form of documentary voter identification at the polls – in some cases only for challenged or early voters – but typically for all voters at the polls on election day. When legislative sessions ended, four had passed. Arkansas enacted a voter ID measure, while three other states – North Dakota, Georgia, and Michigan – modified identification requirements for challenged or absentee voters.⁷

Alternatives on the Horizon?

While methods for identifying voters at the polls continue to be a major issue in state legislatures, courtrooms, and Congress, the advancing technology in other parts of election administration – registration methods, electronic transfer of registration information between state agencies and even state governments – could solve many of the thorniest issues that now drive the debate.

As states develop and improve their statewide voter registration systems, as called for in the pro-



Task forces studying election reform in the wake of the 2000 election avoided the voter identification controversy. Congress, however, has not.

H.R. 3295, the bill passed by the House of Representatives in December 2001, does not include a new identification requirement.

A Mostly Unsuccessful – But Growing – Push

Eleven states require voters to show identification. Many more allow poll watchers, election officials and other voters to challenge the identity of voters on election day. Of those that require ID, nine allow voters without an ID to sign an affidavit and vote. In the last two years, a number of state lawmakers have introduced

This year, Kentucky eliminated a provision that allowed voters to sign an affidavit if they had no documentary ID and poll workers could not vouch for them. Oklahoma's House and Missouri's Senate both passed bills requiring ID, but the outcome of that legislation is still pending.⁸

Lawmakers in 13 states that rejected voter ID bills will consider or are in the process of debating similar measures during their current legislative sessions. A bill before the Colorado legislature would institute a signature verification program for mail-in and absentee ballots.

posed federal legislation, states will be able to track voters' movements within the state, eliminating the need to re-verify their identities each time they move.

These statewide systems will also allow election officials to verify identity and residency by checking the voter records against other state records, such as motor vehicle records and vital statistics. Such procedures, conducted well in advance of election day, can provide an effective and, some say, less burdensome check than verification at the polling place.

Mail-In Registration

What Federal Law Requires

In 1993, Congress passed the National Voter Registration Act (NVRA or “Motor Voter”), which requires states both to accept voter registration applications by mail and to offer voters the opportunity to register at motor vehicle and other state agencies.

The law prohibits states from requiring citizens who register at motor vehicle or other state agencies to present any identification for the voter registration process in addition to the identification required for obtaining a license or other services. In most cases, however, requirements for proving residency and identity are more stringent for most other state transactions than for registering to vote. Most of these voters will therefore, in effect, present identification when they register to vote.

By contrast, proving identity and residency of voters who register by mail presents a challenge. In its 1999-2000 survey on the impact of NVRA, the Federal Election Commission reported that, nationally, 31 percent of new voter registrations were conducted by mail, while 38 percent of all new voter registrations were received in motor vehicle agencies; however, these numbers vary widely from state to state. California receives 53 percent of its registration applications by mail, while in Kentucky, that figure is one percent. Accordingly, any new federal requirement for mail-in registrants could affect as many as half of California’s voters and fewer than one percent of Kentucky’s.

NVRA offered states three methods for handling mail-in registrations. Under one option, the state can require such applicants to vote the first time in person. Currently, eight states use this system. Notably, this option goes to the question of whether there is a real person attached to the registration.

Under a second option, states may register the voter and then send that person a confirmation notice by non-forwardable mail. If this notice is returned, the election official can put those voters on the list of “inactive voters,” meaning that they can vote if they show up at the polls. Election officials can remove inactive voters who do not vote in two federal elections following the return of the notice. This option allows election officials to verify the residency of voters while ensuring that mistakes in entering information – for example, transposing numbers in a zip code – from the mail-in form do not cause a voter to be disenfranchised.

A third option allows states to send out a confirmation notice to mail-in applicants prior to registering them. If the notice is returned, the voter will not be added to the rolls. In practice, some jurisdictions make an effort to contact voters whose notices are returned, to determine if there was an error in entering the information that caused the notice to come back.

Senator Kit Bond (R-Mo.), pointing to the possibility that someone could send in a fictitious registration form and then apply for an absentee ballot under that name, has included in the Senate bill a new requirement for first-time voters who register by mail. These voters would have to provide documentary identification either at the polls or with their absentee or mail-in ballots. No state has such a system in place. Election officials in states with all-mail elections and large numbers of absentee voters, who have opposed this provision, warn that such a requirement would inevitably disenfranchise voters and depress turnout.

Key Findings

Signature the most common form of verification

A signature on the poll book is the most common form of identification, and is used by 18 states. This signature serves as a legal affirmation that the individual is the registrant and is qualified to vote. Some states require identification beyond a signature. The two most popular options are (1) a “signature match,” used by 9 states; or (2) documentary proof of identity and/or residency, used by 11 states. Nine states do not require any of these options as a condition of voting.

A few states require a voter to supply some identifying information, such as an address, date of birth, or social security number, which is compared to information contained in the registration record. Eight states require voters who registered by mail to vote in person the first time they cast ballots.

A state may have identification requirements at different steps in the voting process: registration, before receiving a regular or provisional ballot, and in the case of a challenge or contested election. A state may also have different requirements for first-time voters, absentee voters, and election-day registrants. The specific requirements for each state are described in the state summaries included in this report. (see p. 11.)

Signature Match

Almost every state uses a signature match to authenticate absentee ballots. Nine states use this method to authenticate the identity of in-

person voters as well. A signature provided at the polling place is compared to the signature provided at registration. Some states bring the original registration cards to the polling place; others use digitized signatures from the registration cards and print them on the poll books beside each voter’s name.

Some states use a variation on this theme. Delaware, Florida, South Carolina, and Tennessee all compare a voter’s signature provided on election day to one provided by the voter on documentary identification, such as a credit card or driver’s license.

Even states that do not use a signature match at the polls may use it in the event of a contested election. This year, a superior court found that in the disputed 2001 Compton, California mayoral race, “107 votes to be illegal based on the determination that the signatures do not match.” Both parties in the suit agreed that the signatures on the poll book did not match the signatures on the registration

record, even allowing for some variation for age and disability. In coming to this conclusion, the court allowed voters to come and identify signatures as their own, and allowed outside consultants to review the city clerk’s decisions.⁹

Documentary Proof Requirements

Eleven states require all voters to present some form of identification before voting in person. Allowable forms of identification vary significantly. Clearly, the longer the list of permissible identification, the more likely the voter will be able to meet the requirement.

For that reason, some states include a long list of acceptable forms of ID, including shopper’s cards, credit cards, leases and utility bills. Louisiana and Florida specify a photo ID. Florida and South Carolina require that the identification have a signature so that it may be compared to the signature provided at registration. Missouri,

Summary of Findings

- 11 states require in-person voters to present documentary information; local jurisdictions and/or poll workers in four more states can choose to require identification.
- 18 states require only that voters sign in at the polls.
- 9 states require the signatures to be matched against other signed documents.
- 9 states only require voters to announce their names at the polls.

Virginia, South Carolina, and Texas allow the registration card to serve as identification.

Of these states, all but one – South Carolina – allow for an affirmation to serve as back-up if the voter does not have documentary ID.

- Four states – Alaska, Kentucky, Missouri, and Texas – allow a poll worker or registered voter to vouch for the identity of a voter.
- Six states – Connecticut, Delaware, Florida, Georgia, Louisiana, and Virginia – allow a voter to sign an affidavit attesting to his or her identity.

These procedures provide a safeguard to ensure that voters can cast regular ballots on Election Day, even if they have not brought a form of secondary identification with them. In Alaska, if all else fails, the voter may vote a provisional ballot, which is verified after election day.

Four states – Kentucky, Texas, Missouri, and South Carolina – leave voters with no recourse if they do not have proper identification with them (or in the case of Kentucky, Missouri, and Texas if there is no poll worker able to vouch for their identity). While all of these states – except for Missouri – provide provisional ballots for other voters, this option is not available to voters without identification. Provisional ballots are only given to those voters whose names do not appear on the registration lists. Since these voters' names do appear on the list, they cannot vote.¹⁰

The Justice Department has in the past expressed concern about photo identification laws. It found, for example, that African American voters in Louisiana were four to five times more likely not to have picture

identification.¹¹ Furthermore, the cost to obtain picture identification would disproportionately impact low-income voters. The Justice Department, however, approved a 1997 measure introducing voter identification requirements statewide in Louisiana, after the state modified the requirements. (see p. 9.)

Permissive state statutes

Arkansas, Hawaii, and Massachusetts allow poll workers to request documentary identification, but do not require it to vote. In Arkansas, if a voter fails to present ID, he or she may sign an affirmation attesting to his or her identity. The affirmation is noted on the registration list and may be provided to the prosecuting attorney after election day to investigate possible fraud. In Wisconsin, a locality has the option to require documentary identification, but the state discourages the practice.

The survey did not research variations at the local level, which may be significant. The city of Orlando, Florida, for example, prevents “anyone from delivering someone else’s absentee ballot without written authorization and photo identification.” This standard is more stringent than the state’s requirements.¹²

Rules for Certain Circumstances

In addition to rules for identifying voters at the polling place, states may have other procedures to identify voters at other points in the process and/or for certain voters, such as when a voter is challenged, first-time voters who registered by mail, and absentee voters.

Registration

Some states – including Connecticut, Delaware, Illinois, Louisiana, Missouri, and West Virginia – require identification when a person registers to vote. A new Wyoming law, effective in 2003, requires people to provide identification the first time they register. All of these requirements, however, apply only to in-person registrants. The NVRA requires states to accept a universal registration form by mail. (See page 4.)

In 1981, Georgia attempted to require identification for registration, but the law was not precleared by the Justice Department.¹³ The law would have required a driver’s license or birth certificate to register. The Justice Department found that the requirement would “pose a bigger obstacle in voter registration to black than to white applicants.” Additionally, the state failed to demonstrate that the requirement was necessary to prevent fraudulent registrations or that adequate information would be distributed to localities to avoid abuses.¹⁴

First-time voters who register by mail

Eight states – Arkansas, Illinois, Louisiana, Michigan, Missouri, Tennessee, Virginia, West Virginia – require voters who register by mail to vote in person the first time they vote, as allowed under NVRA. (See page 4.)

NVRA establishes federal exemptions to this requirement for overseas and military voters and for persons who are entitled to vote other than in person, such as people with disabilities and the elderly. Some

states also exempt other populations. Arkansas, Virginia, and West Virginia, for example, exempt students.

Some states, such as West Virginia, allow voters to meet this requirement by casting a ballot during the “early voting” period two weeks before election day.

“Since implementing the law, we found that the individuals hardest hit are students and long-haul truckers,” says Christopher Thomas, Michigan’s director of elections.¹⁵ The state seeks to ease this burden by allowing individuals to meet the requirement if they pick up the absentee ballot in person from a state or local election official.

A new federal law could change Michigan’s practices. “It is my hope that federal identification requirements may actually ease the burden of our state law by allowing these individuals to vote an absentee ballot,” Thomas said.

Absentee and Mail-in Ballots

Most states require voters to apply for an absentee ballot. In these states, identifying information may be verified twice: first when the application is received and again when the ballot is returned. In states that allow voters to register as permanent absentee voters, the information is verified only in the second instance.

The identifying information varies. All states require voters to sign absentee ballot envelopes and most states match them against a signature on file. Los Angeles County matches the signatures electronically, using a computer program to com-

pare registration applications and signatures on an absentee ballot.

Some states require additional procedures. Alaska, Arkansas, Florida, Kentucky, Tennessee, and West Virginia also require voters to provide identifying information – most commonly address, date of birth, and social security number – which is also verified against the registration application.

Eight states – Alabama, Alaska, Florida, Louisiana, Missouri, North Carolina, Oklahoma, and Virginia – require absentee ballots to be witnessed or notarized.

Absentee ballot procedures have also come under review by the Justice Department. In the late 1990s, Florida’s state legislature passed more than 30 changes to the election code in response to a case of fraudulent voting.¹⁶ Among these changes, the state required absentee voters to fill out detailed information on the certificate with strict rules for witnesses.¹⁷

In the course of reviewing these proposed changes, the Justice Department found that “minority voters were more likely to fail to meet one of the State’s new requirements than were white voters.” In Hillsborough County, which implemented the law, “twice as many black absentee voters as white absentee voters failed to meet one of the State’s new requirements. ... Racial disparities in literacy and socio-economic data may provide reasons why these changes are likely to impact minority voters more heavily than white voters.” The Justice Department also noted that minority voters “disproportionately

avail themselves of the absentee voting option because they often do not have accessible transportation... or have jobs that do not permit time off to vote.” These requirements were not precleared.

Election Day Registration

Six states – Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming – allow voters to register at the polling place on election day. All of these states – except for New Hampshire – require documentary identification specifically for election-day registrants, which is not required for other voters. This information most commonly includes proof of residency, such as a lease, utility bill, or driver’s license.

Challenged Voters

In 16 states and the District of Columbia, additional steps may be required of the voter in the event of a challenge by a poll watcher, election official, or other registered voter. In nine jurisdictions, presenting documentary identification may be required.¹⁸ The District of Columbia, for example, requires challenged voters to present proof of residency while other voters need only sign the poll book. In seven states, a challenge may be resolved if the voter signs an affidavit attesting to his or her identity.¹⁹ Arizona and Kansas use a signature match to resolve a challenge. In Wisconsin and Colorado, the voter is asked to answer a series of questions. South Dakota requires the voter to present “information,” but does not specify the form.

A Hot Button Issue

Fractious arguments over voter identification continue

Signature Match

Election officials in states using signature match assert that it is an easy and reliable form of verification. “We have used signature verification at the polling place for decades and found it to be an effective means of preventing voter fraud. This process was greatly enhanced with the introduction of digitized signature poll books, which make identification much easier than in the past,” says Tom Wilkey, executive director of the New York State Board of Elections.²⁰

Some civil rights advocates also prefer signature match to alternative forms of identification because it does not require the voter to bring documentary proof to the polling place. Most voters are accustomed to signing documents, the argument goes, which makes it a less confrontational method than requiring documentary identification.

Oregon conducts its elections entirely by mail and uses signature match to verify all ballots. In the 2000 general election, 187 votes out of 1.5 million were not counted because the signature was not verified. Sen. Ron Wyden (D-Ore.) argues that his state’s record on prosecution shows that “the signature authentication system has proven remarkably good at detecting and deterring fraud.”²¹

While signature match has not been legally challenged, some are concerned about its effectiveness. Poll workers and election officials

using signature match in Washington and Oregon are given specific training on the process. It is not clear whether poll workers are given the same kind of training in every state.

Signatures also change over time. Most commonly, signatures can change with age or if a person becomes disabled. Similarly, a rushed voter, with a child in one arm and a pen in hand, might produce a different scrawl than was provided at a registrar’s office or motor vehicle department.

Documentary Identification Requirements

The specific requirement to present a form of secondary identification – such as a driver’s license – is the most controversial type of identification requirement. Some believe that secondary identification is essential to prevent fraudulent voting. Others believe that it is an unnecessary barrier to voting and can depress turnout.

The push for identification requirements stems from a belief that registration rolls are vulnerable to fraud. NVRA requires states to accept mail-in registrations. The Act also limits the states’ ability to remove individuals from the lists. The concern is two-fold. First, an individual might submit a false registration and then vote using that phony name. Second, ineligible voters may remain on the registration list and others can use their names to vote.

Sen. Kit Bond (R-Mo.), a strong proponent of identification requirements, believes that they can prevent fraud. “Clearly the city of St. Louis, like many others, desperately needs help to improve the accuracy of its voter rolls,” he states. “But current federal law actually complicates those efforts. For example, the motor voter act blocks states from requiring notarization or another form of authentication on mail-in registration cards. Why do we so easily require photo ID to board a plane or to buy beer and cigarettes while leaving the ballot box so undefended?”²²

Some election officials point out that fraudulent voters can be identified through other means such as statewide voter registration databases, confirmation mailings to new registrants, and matching lists to other state files, making the identification requirement an unnecessary barrier. “Heavier burdens lead to disenfranchised voters,” says Secretary of State Sam Reed (R-Wash.). He notes that a statewide voter registration database could instead help to prevent fraud without creating “obstacles to voter participation.”²³

There is some evidence that voters – and especially low-income, elderly, and minority voters – do not have certain forms of identification and will be denied the opportunity to vote if it is required. Denise Lamb, the elections director for New Mexico, argued successfully against identification require-

ments before her state legislature on the grounds that some of the state’s older Native Americans do not have photo identification.²⁴

Some states have responded to this concern and expanded the list of permissible identifications to include utility bills or discount cards. But these steps do not necessarily satisfy advocates’ concerns. Angela Arboleda, policy analyst for the National Council of La Raza, points out that “Latinos are more likely to have sev-

eral adults living at one address, making it less likely that all of them will have utility bills in their own name.”²⁵

Both civil rights groups and election officials also argue that the requirement introduces discretion on the part of poll workers.²⁶ Some people may be asked for identification – or multiple forms of identification – more often than other voters.²⁷

The non-partisan voter turnout organization Project Vote is one of the groups that fears new identifica-

tion requirements will depress participation. “One thing we know is that it is easy to discourage America’s infrequent voters from voting,” notes Joanne Wright, deputy director. “A low-income voter hassled at the polls is likely to stay away for years. We know from experience that identification requirements are misinterpreted by poll workers as a requirement for photo identification specifically. These laws open the door to harassment of voters.”²⁸

Legal Challenges to Voter ID

Balancing citizens’ right to vote and the state’s interest in fraud prevention is central to resolving the legal issues implicated by voter ID requirements.

Because ID requirements affect the right to vote, they are subject to “strict scrutiny” under the Constitution’s Equal Protection Clause. As such, ID requirements may be held unconstitutional unless they are shown to be narrowly tailored to serve a compelling government interest – usually the state’s interest in fraud prevention. In 1997, Michigan attorney general Frank Kelley issued an opinion declaring that a new state law – which required voters to produce a picture ID or sign an affidavit that they lacked such ID – was unconstitutional. While recognizing the state’s obvious interest in fraud prevention, Kelley noted the general lack of evidence of voter fraud in Michigan and cited the state’s then-new statewide Qualified Voter File as a less intrusive method of accomplishing the same objective. Moreover, he noted that the law “impose[d] economic and logistical burdens” on many voters, including poor, elderly, and handicapped voters.²⁹

To the extent that ID requirements disproportionately affect the rights of racial and language minority voters, they may also invite scrutiny under the Voting Rights Act.³⁰ Under Section 5 of the Act, certain states and localities must submit their proposed election law changes, including voter ID requirements, to the Justice

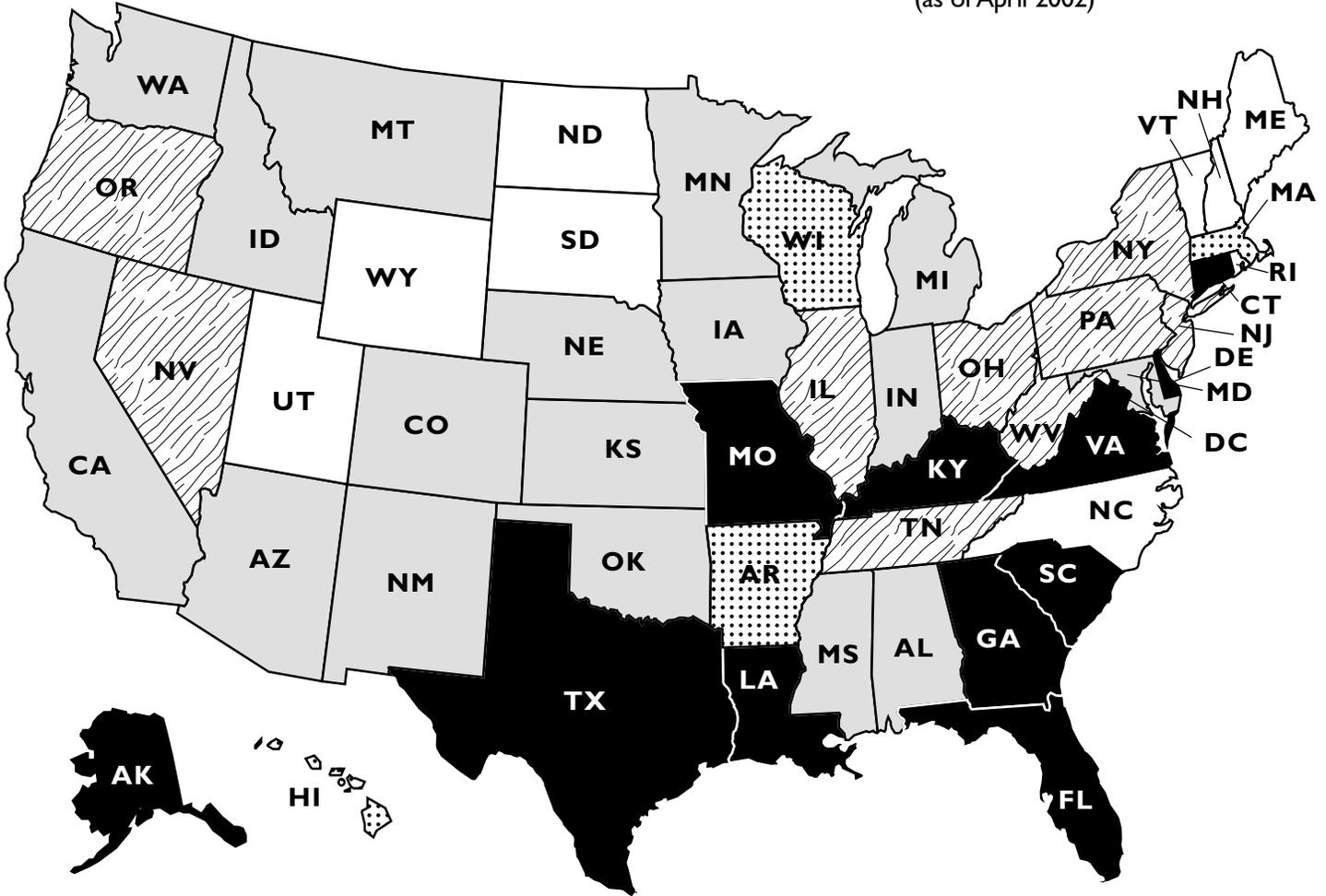
Department. In 1994, the Justice Department rejected Louisiana’s plan to require photo ID from first-time voters who had registered by mail, noting that such requirements would fall more heavily on minority voters who lack picture ID.³¹ Three years later, the Justice Department precleared a new Louisiana law that would extend the ID requirement to all voters.³² Notably, the final law allowed voters who lack identification to sign an affidavit attesting to their identity.

Even when a jurisdiction imposes an ID requirement for all voters, however, a court can invalidate the law under Section 2 of the Voting Rights Act if it has a unique impact on minority voters. Such was the case in Lawrence, Massachusetts, where in November 2001 a judge struck down the city’s ID requirement because it would “fall disproportionately on the [City’s] Latin American community.”³³

Courts and the federal government seem to accept the limitations that voter ID requirements impose on the right to vote as long as these limitations 1) are well-tailored to the perceived risk of voter fraud; 2) do not fall more heavily on voters of protected racial and language minorities; and 3) include a safeguard, such as an affirmation process, to protect voters who lack identification.³⁴ To the extent that new federal or state laws impose voter ID requirements at the state or local level, these considerations may once again come into play.

State Voter Verification Requirements

(as of April 2002)



This map provides a snapshot of what each state requires of the voter at the polls. A state may require identification at different steps in the voting process: at registration, at the polling place, or in the case of a challenge. A state may also have requirements for absentee voters, election-day registrants, and first-time voters who registered by mail.

ID Required: 11 states. A voter must provide some form of documentary proof of eligibility and/or identity in order to vote. The forms of acceptable ID vary widely, including shopper's cards, credit cards, leases and utility bills. States have various safeguard for voters who lack ID.

ID Optional: 4 states. A voter may be asked for identification. State law either 1) allows a poll worker the option to request documentary proof or 2) allows localities to establish their own rules.

Signature match: 9 states. A voter's signature provided at the polls is compared to either 1) a signature on file with the election official or 2) a signature on a piece of identification provided by the voter.

Signature: 18 states. A voter must sign the poll book in order to vote.

Name: 9 states. A voter must state his or her name in order to vote.

Summary

| Signature (18) | ID required (11) | Signature Match (9) |
|----------------------|------------------|---------------------|
| Alabama | Alaska | Illinois |
| Arizona | Connecticut | Nevada |
| California | Delaware | New Jersey |
| Colorado | Florida | New York |
| District of Columbia | Georgia | Ohio |
| Idaho | Kentucky | Oregon |
| Indiana | Louisiana | Pennsylvania |
| Iowa | Missouri | Tennessee |
| Kansas | South Carolina | Texas |
| Maryland | Texas | West Virginia |
| Michigan | Virginia | Name (9) |
| Minnesota | | Maine |
| Mississippi | ID Optional (4) | New Hampshire |
| Montana | Arkansas | North Carolina |
| Nebraska | Hawaii | North Dakota |
| New Mexico | Massachusetts | Rhode Island |
| Oklahoma | Wisconsin | South Dakota |
| Washington | | Utah |
| | | Vermont |
| | | Wyoming |

First-time voter requirements: Arkansas, Illinois, Louisiana, Michigan, Missouri, Tennessee, Virginia, and West Virginia require voters who register by mail to vote in person the first time they vote. There are exceptions in federal law.

Combination Requirements: Delaware, Florida, and South Carolina have dual requirements: 1) that the voter present ID and 2) that the signature on the ID match the signature provided.

Snapshot of the States

ID = ID required, **IDO** = ID optional, **SM** = signature match, **S** = signature, **N** = name, **FTV** = first-time voter requirements

| | |
|--------------------|--|
| Alabama | S Voters must sign in at the polls. If challenged, voters are asked to sign an oath; if they refuse, they cannot vote. Absentee voters must sign ballot envelope and have it notarized or signed by two witnesses. (17-7-15; 17-10-7) |
| Alaska | ID Voters must present ID at the polls. Acceptable forms include: registration card, driver’s license, birth certificate, passport, hunting or fishing license or other ID prescribed by regulation. Requirements are waived if an election official certifies he/she knows the voter. Provisional ballots are used as a fail-safe. Absentee voters must provide identifying information (last 4 digits of Social Security number, registration number or date or birth) when applying for and casting ballots. Absentee voters must sign ballot envelope and have it witnessed. The identifying information is verified; the signature may be compared to that on registration form. (15-15-225; 6-AAC-25.510) |
| Arizona | S Voters must sign in at the polls. If voter is challenged, the signature may be compared to that on the registration form. Absentee voters must sign ballot envelopes, which are verified against signature on registration form. (16-579) |
| Arkansas | IDO, FTV Voters are requested to present ID. Acceptable forms include: photo ID issued by governmental agency, voter card, Social Security card, birth certificate, employee ID card, hunting license or military ID. If no ID is presented, it is noted on the registration list and may be provided to prosecutor. First-time voters who register by mail must vote in person. Exceptions as required by NVRA and for students. Absentee voters must complete and sign a “Voter’s Statement,” which is matched against the signature and information on the absentee ballot application. (7-5-305; 7-5-201; 7-5-409; and 7-5-411) |
| California | S Voters must sign poll book. If voter is challenged, voter is given an oath. Absentee voters must sign ballot envelopes; signature is compared to registration application. (2120-3; 15100-112; 15103; 15105) |
| Colorado | S Voters at the polls are required to sign a signature card. In all-mail elections and for absentee ballots, voters sign an affirmation on the ballot envelope. (1-7.5-107; 1-7-103) |
| Connecticut | ID Voters must present ID at polls. Acceptable forms include: Social Security card or any other preprinted form of ID that includes name and either address, signature or photograph. Voter may sign an affirmation instead of presenting ID. Voters who register in person must show ID. Absentee voters must sign request for ballot, which is checked against registration card. (9-261) |
| Delaware | ID, SM Voters must present ID and sign signature card. Signature on ID is compared to signature card. Acceptable forms are determined by Election Commissioner. If voter has no ID, voter may sign an affidavit. Voters must present ID when registering to vote. Absentee voters must sign ballot envelopes; signatures are compared to original registration signature. (2031; 4937; 5503; 5509) |
| D.C. | S Voters must sign registration rolls. Absentee voters must sign the ballot envelope. If challenged, a voter must sign an affidavit and present proof of residence for that precinct. (1-1001.07; 1-1001.09) |
| Florida | ID, SM Voters must present ID with a photograph and a signature at the polls. Acceptable forms include: state driver’s license or ID card or another form of picture ID approved by the Secretary of State. Voters must also sign a poll book, which is matched against the signature on their ID. The voter may sign an affidavit if he or she does not have identification or is challenged. Absentee voters must sign ballot envelope and have it signed by witnesses. The voter must also include date of birth and address on absentee application. Signatures and other information are compared to registration forms. (98.471; 101.49) |
| Georgia | ID Voters must present ID at polls. Acceptable forms include: driver’s license, ID issued by government, employee or student ID card with photo, weapons’ license, pilot’s license, military ID, birth certificate, Social Security card, court records, naturalization document. If voter does not have ID, he/ she can sign an affidavit. Absentee voters must sign ballot envelope; signature is compared to registration certificate. (21-2-381; 21-2-386) |
| Hawaii | IDO Voters must sign poll book. Picture ID is required if requested by election official. If voter does not have picture ID, any two pieces of ID that can help confirm identity are accepted. If voter does not have ID, the voter may be asked for additional information or a precinct official is allowed to confirm identity based on personal knowledge. Social Security number is required for registration and on application for absentee ballot. Signature on application and on ballot envelope is compared to a source document such as affidavit on application for voter registration or digitized image from the driver’s license file. (11-136) |

Snapshot of the States, continued

ID = ID required, **IDO** = ID optional, **SM** = signature match, **S** = signature, **N** = name, **FTV** = first-time voter requirements

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| Idaho | S Voters must sign poll book. If challenged, voters must sign an oath before casting a regular ballot. Voters registering on election day must present current driver's license or state ID issued by DMV. Students registering on election day may use current student ID accompanied by a student fee statement. Absentee voters must sign an affidavit; signature is compared to registration application. (34-404; 34-408A; 34-1004) |
| Illinois | SM, FTV Voters must sign poll book. Signature is matched against signature on registration application. If challenged, voters must provide driver's license or other state ID, Social Security card, passport, library card, credit card or utility bill. Voters must provide 2 forms of ID, including one with current address, when registering. First-time voters who register by mail must vote at the polls. Exceptions as required by NVRA. Absentee voters must sign ballot envelopes; signature is compared to registration application. (10 ILCS 5/4-10) |
| Indiana | S Voters must sign poll book. Voters are asked for their voter ID number; they are not required to provide it. If challenged, the voter and challenger sign an affidavit. Absentee voters must sign ballot envelopes; signatures are compared to registration applications. (3-5-6) |
| Iowa | S Voters must sign name on a declaration of eligibility. Absentee voters must sign ballot envelope. (49.77) |
| Kansas | S Voters signs poll book. If challenged, signature on affidavit is checked against voter registration application. Absentee voters must sign ballot envelope; signature is matched against registration application. (25-2908) |
| Kentucky | ID Voters must provide ID. Acceptable forms include: driver's license, Social Security card, credit card, or personal acquaintance with a precinct officer. Voters without ID cannot vote. Absentee voters must sign registration application and include address and social security number; all information is checked against registration application. (117.227) |
| Louisiana | ID, FTV Voters must present photo ID at polls. Acceptable forms include: driver's license, ID card or other generally-accepted form of picture ID. Voters without ID must sign affidavit and present registration certificate or provide information submitted for registration such as their mothers' maiden name. Voters must provide ID when registering in person at the registrar's office. Acceptable forms include driver's license, birth certificate – for age and identity only – or other documentation that establishes the applicant's identity, age, and residency. Voters who register by mail must first vote in person either by voting absentee in the registrar's office or at the polls. Exceptions as required by NVRA. Absentee voters must sign ballot envelope and have it notarized or signed by two witnesses. (18:105; 18:562; 18:565; 18:115; 18:1306; 18:1309) |
| Maine | N Voters must provide name and, upon request, street address. Election-day registration applicants must show proof of residency and ID to the registrar. If the registrar is not satisfied, the voter casts a challenged ballot. Absentee voters must sign ballot envelope; signature is compared to registration card. (21-A MRSA 671; 21-A MRSA 121(1-A)) |
| Maryland | S Voters must sign "voter authority card" at the polls containing name, address, DOB and voter ID number. Absentee voters must sign and date ballot envelope. (11.302) |
| Massachusetts | IDO Voters must provide name and address at the polls. Election officials may request identification as long as such requests are random, consistent, or based on reasonable suspicion. If challenged, voters are required to show ID and take a challenged voter oath. If voter has no ID, he/she can vote after taking oath. Absentee voters must sign ballot envelope; signature is compared to registration application. (950 CMR5405(6)(a); 950 CMR54.06; 950 CMR54.76b) |
| Michigan | S, FTV Voters must provide date of birth or "other information stated on registration list." Voters are required to sign for a ballot. First-time voters who register by mail must vote in person. Exceptions as required by NVRA. Absentee voters must sign both an application for a ballot and the outside of the ballot envelope. Signature is compared to the registration record. (168.523; 168.509; AG Opinion #6930) |
| Minnesota | S Voters must sign poll book. Election day registrants must present ID. Acceptable forms include: driver's license, utility bill, student ID. Absentee voters must sign ballot envelopes; signature is compared to registration record. (204c.10; 203B.12) |
| Mississippi | S Voters must provide name to election worker and sign receipt book. Absentee voters must sign ballot envelopes. (23-15-139) |

Snapshot of the States, continued

ID = ID required, **IDO** = ID optional, **SM** = signature match, **S** = signature, **N** = name, **FTV** = first-time voter requirements

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| Missouri | ID, FTV Voters must provide voter ID card or some other “acceptable form” of ID, as determined by local election officials. If the voter doesn’t have either, he/she can vote if two election judges vouch for his/her eligibility. When registering, voters must provide ID. First-time voters who register by mail must vote at the polls in order to be issued voter ID card. Exceptions as required by NVRA. Absentee voters must sign ballot envelopes and have them notarized. Notarization exceptions exist for voters with illness and disability and for military and overseas voters. In these cases, signature match is used to verify absentee ballots. (115.283; 115.427; 115-295) |
| Montana | S Voters must sign poll book and verify that their listed address is correct. Absentee voters must sign ballot envelopes; signature is compared to registration application. (13-13-114) |
| Nebraska | S Voters must sign poll book. If challenged, voters take oath. Absentee voters must sign ballot envelopes; signature is compared to registration application. (32-914) |
| Nevada | SM Voters must sign poll book. The signature is compared to signature on registration application or other form of government-issued ID displaying signatures. Absentee voters must sign ballot envelope; signature is compared to registration signature. (293.277) |
| New Hampshire | N Voters must state their name at the polls. If challenged, voter must present ID or sign an affidavit of residency or identity. Absentee voters must sign ballot envelope; signature is compared to registration signature. (659:13; 654:12) |
| New Jersey | SM Voters must sign poll book. It is matched against signature on registration application. If challenged, voter must sign affidavit and provide ID. Acceptable forms include: state driver’s license, utility bill and other forms specified in code. Absentee voters must sign ballot envelope; signature is compared to registration signature. (19:31A-8) |
| New Mexico | S Voters must sign poll book. If challenged or if there are two voters with the same name in one precinct, voters are asked for their Social Security numbers, which are provided in the registration books. Absentee voters must sign ballot envelope; signature is compared to registration signature. (1-12-10) |
| New York | SM Voters must sign poll book. It is matched against digitized signature. A voter may choose instead to cast an affidavit ballot or get a court order. Absentee voters must sign ballot envelope; signature is compared to registration signature. (8-304; 8-504) |
| North Carolina | N Voters must state their name, home address and party affiliation (if primary election) at the polls. Absentee voters must sign ballot envelope in presence of two witnesses; signature is compared to registration signature. (163-150) |
| North Dakota | N Voters must state name and address. If challenged, voter may have to present ID. If ID does not resolve challenge, voter must sign affidavit. Absentee voters must sign application for ballot. If request is challenged, voter must sign affidavit with returned ballot. (16.1-05-06) |
| Ohio | SM Voters must sign poll book; signatures are compared to registration signatures. Absentee voters must sign ballot envelope; signature is compared to registration signature. (3503) |
| Oklahoma | S Voters must sign poll book. Absentee voters must sign ballot envelope in the presence of a notary. If physically disabled, voters can sign in front of two witnesses. (26.7-114) |
| Oregon | SM All elections are conducted by mail. Voters must sign ballot envelope. Signature is checked against registration signature. (254.385) |
| Pennsylvania | SM Voters must sign poll book. Signature is checked against registration signature. Absentee voters must sign ballot envelope; signature is compared to registration signature. (25-3050) |
| Rhode Island | N Voters must give name at the polls. If challenged, voter must sign an affidavit. Absentee voters must sign ballot envelope; signature is compared to registration signature. (17-19-24) |
| South Carolina | ID, SM Voters must sign poll book and provide ID at polls. Acceptable forms include: driver’s license, voter registration card, other state-issued ID. Signature is compared to signature on ID. If voter has no ID, he/she cannot vote. Absentee voters must sign ballot envelope; signature is compared to registration signature. (7-15-220; 7-15-420; 7-13-710) |

Snapshot of the States, continued

ID = ID required, **IDO** = ID optional, **SM** = signature match, **S** = signature, **N** = name, **FTV** = first-time voter requirements

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| South Dakota | N Voters must give name at the polls. If challenged, both challenger and voter present “information”; ID is not specified. Absentee voters must sign ballot envelope; signature is compared to registration signature. (12-4-6) |
| Tennessee | SM, IDO, FTV Voters must provide signature and address at the polls. In counties without computerized lists, signature is compared against signature on registration card. In counties with computerized lists, signature is compared with ID provided by voter. Acceptable forms include: driver’s license, registration card, Social Security card, credit card or other document bearing a signature. First-time voters who register by mail must vote in person. Exceptions as required by NVRA. Absentee voters must sign ballot envelope and include name, address, Social Security number and other information. Signature is compared with signature on registration card. (2-7-112; 2-7-116) |
| Texas | ID Voters must present registration certificate and sign poll book. Voters without certificate must present ID or be recognized by election official. Acceptable forms include: driver’s license, photo ID, birth certificate, passport, citizenship papers, official mail, checks printed by in-state bank and other forms prescribed by Secretary of State. Challenged voters swear an affidavit attesting to their eligibility. Absentee voters must sign ballot envelopes; signature is compared to absentee ballot application. (63.008; 63.0101) |
| Utah | N Voters must state name. If challenged, a poll worker can request ID or have another voter affirm the identity of the challenged voter. Absentee voters must sign ballot envelope; signature is compared to registration signature. (20A-9-808) |
| Vermont | N Voters must state name at the polls. If challenged, the Board of Civil Authority, present at the polls, may ask for ID or ask challenger why they doubt the identity of the challenged voter in making its determination. Absentee voters must sign ballot envelope. (17-2563) |
| Virginia | ID, FTV Voters must present ID. Acceptable forms include: VA voter card, driver’s license, Social Security card, federal, state or local government-issued ID, photo ID issued by employer in the course of regular business. If the voter has no ID, he or she may sign a statement under oath. Voters who register by mail are required to vote first time in person. Exceptions as provided by NVRA; state law also exempts college students away from home. Absentee voters must sign oath on the ballot envelope in the presence of a witness. Challenged voters sign an affidavit and vote a regular ballot. (24.2-643; 24.2-416.1-4; 24.2-651) |
| Washington | S Voters must sign poll book. Absentee and mail-in voters must sign ballot envelope; signature is compared to registration signature. (25.51.050) |
| West Virginia | SM, FTV Voters must sign poll book. Signature is compared against signature on registration card. Voters must provide ID and proof of age when registering. This requirement may be waived if election official knows voter or if applicant is “clearly” over the age of 18. Acceptable ID includes: driver’s license, state ID or any kind of personal ID. First-time voters who register by mail must vote in person and provide the ID that would have been required if registering in person. Exceptions as required by NVRA, voters in home detention and students. Absentee voters must sign ballot envelope and provide DOB. Both are compared against registration applications. (3-2-7; 3-2-10) |
| Wisconsin | IDO Voters must give name to poll workers. Voters can be asked for ID, but state officials say it is “difficult to recommend” given the absence of standards. Election-day registrants must provide proof of residence. Acceptable forms include: government ID, utility bills, tax statements or leases. Absentee voters must sign ballot envelope; the signature is compared to registration signature. (6.79; 6.55) |
| Wyoming | N Voters must give name at the poll. If challenged, poll worker can request ID. Absentee voters must sign ballot envelopes. (22-13-104) |

Methodology

Information for the map and state summaries was culled primarily from a review of state codes. Information was verified through interviews with state election directors, deputy election directors and staff. In the case of gaps in the state code, the administrators' explanations were considered authoritative. For Congressional information, first-hand sources – the bills themselves and debate as recorded in the Congressional Record – were used. Court opinions and preclearance letters issued by the Department of Justice were also reviewed.

In addition to materials cited in the report, other sources include:

- Advancement Project
- The Federal Election Commission
- The National Commission on Federal Election Reform
- National Conference of State Legislatures
- National Council of La Raza
- Transcript: U.S. House of Representatives Committee on Rules and Administration hearing, Mar. 14, 2001
- "Vote No on Voter ID," *Milwaukee Journal Sentinel* editorial, Feb. 27, 2001
- "Federal Judge Blocks Lawrence Voter ID Plan," by J. M. Lawrence, *The Boston Globe*, Nov. 6, 2001
- "St. Louis Voter Fraud: A Primer," Office of Sen. Kit Bond, R-Mo., 2001
- "Judge Blocks Voter ID Plan," by R.H. Melton, *The Washington Post*, Oct. 19, 1999
- "New Voter ID Law Gets First Test in Saturday's Races," by Maria Giordano, *The Times-Picayune*, Oct. 16, 1997
- "Take the Money and Run: Lame-Ducks 'Quack' and Pass Voter Identification Provisions," by J.V. Berry, *University of Detroit Mercy Law Review*, Winter 1997

Endnotes

- ¹ Telephone interview, Mar. 2002.
- ² <http://www.msvoterid.org/>
- ³ "House Upholds Voter ID Veto," *The Associated Press*, Dec. 13, 2001.
- ⁴ Opinion No. 6930, 1997 Mich. AG LEXIS 1, Jan. 29, 1997. Kelley states: "I am not aware of any substantial voter fraud in Michigan's elections. I have not received complaints regarding voter fraud. Moreover, the state's chief of elections, Sec. of State Candice Miller, confirmed the fact that Michigan does not have a voter fraud problem."
- ⁵ S. Amdt. 2688 (substitute) to S. 565.
- ⁶ D. Rogers, "Bill to Overhaul Voting Systems Clears Hurdles for Senate Passage," *The Wall Street Journal*, Mar. 25, 2002.
- ⁷ National Conference of State Legislatures.
- ⁸ S.B. 675 (Mo.); H.B. 2772 (Okla.), National Conference of State Legislatures.
- ⁹ Bradley v. Perrodin (case No. TS 004519), findings of fact and conclusions of law, Los Angeles County Superior Court, (Feb. 8, 2002).
- ¹⁰ This is a new development in Kentucky. Until this year, voters without ID could sign an affidavit attesting to their identity.
- ¹¹ Letter from Deval Patrick/Assistant Attorney General, Department of Justice, to Sheri Marcus Morris, Assistant Attorney General (Nov. 21, 1994).
- ¹² M. Schlueb, "Council Takes up Voting Reform," *The Orlando Sentinel*, Oct. 29, 2001.
- ¹³ The 1965 Voting Rights Act requires certain states and jurisdictions to receive preclearance from the Justice Department before it can implement a change to their election procedures.

- ¹⁴ Memorandum from Rosalie Osorio, Attorney, Voting Rights Section, Justice Department, "Proposed Objections to Provisions of Act Nos. 793 and 794 (GA. Laws of 1981)," Sept. 17, 1981.
- ¹⁵ Telephone interview, Mar. 2002.
- ¹⁶ "18 Admit Vote Fraud with Miami Absentee Ballots," *The Orlando Sentinel*, Oct. 29, 1998.
- ¹⁷ The following information was required: "the reason for voting absentee, the last four digits of the voter's social security number, the signature of a witness who is a registered voter in the State of Florida, the signing of an oath promising that the witness has not witnessed more than five absentee ballots, the voter identification number of the witness, and the county where the witness is registered." Letter from Bill Lann Lee, Acting Assistant Attorney General, Civil Rights Division, Justice Department, to Robert Butterworth, Florida Attorney General (Aug. 14, 1998).
- ¹⁸ These jurisdictions are: District of Columbia, Illinois, Massachusetts, New Hampshire, New Jersey, North Dakota, Utah, Vermont, and Wyoming.
- ¹⁹ These states are: Alabama, Idaho, Indiana, New Hampshire, Rhode Island, Texas, and Virginia.
- ²⁰ Telephone interview, Apr. 2002.
- ²¹ *Congressional Record*, Feb. 26, 2002, p. S1178.
- ²² Sen. Kit Bond (editorial), "'Motor Voter' Out of Control," *The Washington Post*, June 27, 2001
- ²³ Washington Secretary of State Sam Reed, "Provision Stalls Election Reform Bill," <http://www.secstate.wa.gov>.
- ²⁴ J. McDonald, "GOP Sponsoring Voter-identification Bill," *The Santa Fe New Mexican*, Jan. 17, 2002.
- ²⁵ Telephone interview, Mar. 2002.
- ²⁶ See letters from state elected officials in *Congressional Record*, Feb. 26, 2002, pp. S1172 and S1173.
- ²⁷ See, for example, L. K. Thrower, "County Experiences Few Balloting Glitches," *The Press Enterprise*, Nov. 7, 2001; "Republican Wins House Seat in VA. Contest for Post," *Boston Globe*, Jun. 20, 2001. Some voters may not be told of the affidavit option. See Advancement Project, "Race, Ethnicity, and Access to Democracy: A Report to the Ford Foundation," Aug. 2001.
- ²⁸ Telephone interview, Mar. 2002. Wright recalls the experience of an African American voter who was turned away at the polls in Louisiana. Ms. Beulah Labostrie had been registered to vote for over 30 years. In 1998, a poll worker told her that she could not vote without a photo ID. Although the new state law requires that voters without photo ID's be asked to sign affidavits, the poll workers did not offer this opportunity.
- ²⁹ 1997 Mich. AG LEXIS 1.
- ³⁰ 42 U.S.C. § 1973.
- ³¹ "AG says new motor voter law OK," *The Advocate* (Baton Rouge, La.), Jan. 7, 1995.
- ³² J. Wardlaw, "U.S. clears state voter ID law," *The Times-Picayune* (New Orleans), Oct. 1, 1997.
- ³³ "Judge bars Lawrence from requiring voter identification," *Boston Globe*, Nov. 5, 2001.
- ³⁴ The Justice Department precleared a pilot program in Virginia, apparently because the state assured the Department that the "only information which will be required on the form for a voter who has not produced one of the specified forms of identification will be the voter's printed name and signature." Letter from Joseph Rich, Acting Chief, Voting Section, Civil Rights Division, the Justice Department, to James Hopper, Senior Assistant Attorney General (Sept. 7, 1999).

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