

# BRENNAN CENTER FOR JUSTICE

## SUMMARY OF VOTER ID LAWS PASSED

Arkansas, Alabama, Kansas, Mississippi, North Carolina, North Dakota, New Hampshire, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin all passed new voter ID laws in their 2011, 2012, or 2013 legislative sessions. For each state, this memorandum provides: a brief description of the substance of the new law; its effective date and current status; the types of photo IDs accepted; exceptions to the ID requirement, if any; any affidavit alternative to providing a photo ID; the photo ID requirements for early and absentee voting, if any; provisions relating to obtaining free ID; and public education requirements.<sup>1</sup>

### ALABAMA

**Effective Date:** The law was passed, but it is not currently in effect. By its terms, the law would not take effect until 2014.

#### **Photo IDs Permitted**

Prior to voting, a voter must provide one of the following valid forms of photo ID to an appropriate election official:

- Alabama driver's license or non-driver ID card issued by the Alabama Department of Motor Vehicles;
- Any other photo ID issued by Alabama, any other state government, or the U.S.;
- U.S. passport;
- Employee photo ID card issued by Alabama or the U.S.;
- U.S. military photo ID;
- Alabama photo voter ID card;
- Student or staff photo ID issued by a public or private college, university, or postgraduate technical or professional school located within Alabama; or
- Tribal ID card with photo.

#### **Exceptions Available**

An individual without photo ID may vote only if identified by two election officials in the polling place as a voter on the poll list who is eligible to vote and the election officials execute an affidavit so stating. Otherwise, the voter must cast a provisional ballot.

#### **Absentee Voting ID Requirements**

Persons voting absentee must submit copy of proper photo ID. Anyone entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, the Voting

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<sup>1</sup> For purposes of this memorandum, "exceptions" to the photo ID requirement refers to categories of voters exempted from providing photo ID to vote. An "affidavit alternative" is a procedure whereby certain voters without qualifying ID can execute an affidavit to either obtain a regular ballot or to accompany a provisional ballot in lieu of providing photo ID.

Accessibility for the Elderly and Handicapped Act, or any other federal law shall not be required to produce photo ID when voting absentee.

### **Free IDs**

The Secretary of State is required to issue a photo ID to registered voters at no cost. A person must obtain a new photo ID card each time they move within the state.

### **Public Education Requirements**

The Secretary of State is directed to inform the public of the voter ID requirement by whatever means they deem necessary.

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## **ARKANSAS**

**Effective Date:** The law was passed, but it is not currently in effect. By its terms, the law would not take effect until 2014 or when the Secretary of States has funds available to distribute voter identification cards, whichever comes later.

### **Photo IDs permitted**

Prior to voting, a voter must show identification to the appropriate election official that displays the name and photograph of the person intending to vote, and that is issued by the United States, the State of Arkansas, or an Arkansas postsecondary educational institution. Valid forms of photo ID include:

- An Arkansas driver's license or photo identification card;
- A United States Passport;
- A Photo Identification card;
- An employee badge or identification document;
- A United States military identification;
- A concealed handgun carry license;
- A public assistance identification card;
- A student identification card issued by a State of Arkansas postsecondary educational institution;
- A state provided voter identification card.

If the identification displays an expiration date, it must not be expired more than four years before the date of the election the voter is participating in.

### **Exceptions Available**

A resident of a long-term care or residential facility licensed by the state is not required to provide proof of identity before voting. You must, however, provide documentation proving your residency status at such a facility.

Otherwise, a voter listed on the precinct voter registration list who does not provide voter ID can vote by provisional ballot. This ballot will be counted if the voter returns to the county board of elections by noon of the Monday following the election, and either provides a valid photo ID or an affidavit providing that the voter is indigent or has a religious objection to being photographed.

### **Absentee Voting ID Requirements**

Persons voting absentee must submit a copy of valid voter ID or a copy of a current utility bill, bank statement, paycheck, or other government document that shows the voter's name and address. A member of the uniformed or merchant marine service who will be absent on election day, as well as a spouse of a member of the uniformed or merchant marine service absent for the same reason, does not have to provide voter ID to vote absentee.

### **Free IDs**

The Secretary of State is required to issue a photo ID to registered voters at no cost. The identification cards will be generated in the offices of the county clerk. To receive a card, a voter must sign an oath that she does not possess a valid form of ID.

### **Public Education Requirements**

None.

## **KANSAS**

**Effective date:** Jan. 1, 2012

### **Photo IDs Permitted**

The following forms of identification shall be valid if the identification contains the name and photograph of the voter and has not expired. Expired documents shall be valid if the bearer of the document is 65 years of age or older:

- A driver's license issued by Kansas, or by another state or district of the U.S.;
- A state ID card issued by Kansas, or by another state or district of the U.S.;
- A concealed carry of handgun license issued by Kansas, or a concealed carry of handgun or weapon license issued by another state or district of the U.S.;
- A U.S. passport;
- An employee badge or ID document issued by a municipal, county, state, or federal government office or agency;
- A military ID issued by the U.S.;
- A student ID card issued by an accredited postsecondary institution of education in the state of Kansas; or
- A public assistance ID card issued by a municipal, county, state, or federal government office or agency; or
- An ID card issued by an Indian tribe.<sup>2</sup>

### **Exceptions Available**

Persons over 65 may use expired documentation as proof of identity. Additionally the following persons are exempt from the photo ID requirement:

- Persons with permanent physical disability that makes it impossible for them to travel to obtain an ID and have qualified for permanent advance voting status;

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<sup>2</sup> This form of ID was added to the list of permitted IDs by the passage of S.B. 129, effective July 1, 2012. Notably, although the text of this bill indicates that it shall take effect and be in force from and after its publication in the statute book, the Kansas legislative [website](#) indicates an effective date of July 1, 2012.

- Members if uniformed service on active duty who, by reason of such duty, are out of the country on election day or spouse or dependent who by reason of the service member are also out of the country;
- Members of the merchant marine who, by reason of service, are out of the country on election day or spouse or dependent who by reason of the service member are also out of the country;
- Voters whose religious beliefs prohibit photo ID (such persons must submit declaration concerning such beliefs to secretary of state).

### **Affidavit Alternative**

There is no affidavit option for voting without an ID.

### **Early/Absentee Voting ID Requirements**

Kansas driver's license number, Kansas nondriver's identification card number or a copy of voter's photo ID is required for both early voting and absentee voting.

### **Free ID**

Although this law makes available free ID cards for persons requiring them to vote, such IDs require an applicant to swear under oath that he or she desires an ID to vote in an election in Kansas and does not possess any acceptable form of ID under the law. The applicant must also produce evidence that he or she is registered to vote in Kansas. Pursuant to a separate bill, S.B. 129, effective July 1, 2012, no fee will be charged for a certified copy of a birth certificate if it is requested by a person over 17 for purposes of voting and such person lacks any of the forms of ID required by H.B. 2067.

### **Public Education Requirements**

The secretary of state is charged with providing advance notice of the personal identification requirements in a manner calculated to generally inform the public. Minimally, the advance notice must include: use of advertisements and PSA in print, broadcast television, radio, cable television and posting information on the opening website pages of the secretary of state and governor.

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## **MISSISSIPPI<sup>3</sup> (constitutional amendment by voter petition)**

*Passed Ballot Initiative*

**Effective Date:** In effect.

### **Photo IDs Permitted**

Prior to voting, a voter must provide "government issued photo identification."<sup>4</sup>

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<sup>3</sup> See Miss. Sec'y of State, Initiative # 27: Voter Identification (2011), <http://www.sos.ms.gov/Elections/Initiatives/Initiatives/Voter%20Identification-PW%20revised.pdf> (last visited September 7, 2011). To be clear, Initiative #27 is not state legislation, but an initiative placed on the ballot by voter petition.

*Passed Legislation*

**Photo ID Required to Vote (Implementing Legislation for Initiative #27)**

**Effective Date:** In effect..

**Photo IDs Permitted<sup>5</sup>**

The law requires each voter to present current and valid photo identification before voting, which includes, but is not limited to:

- A current and valid Mississippi driver's license;
- A current and valid identification card issued by the State of Mississippi;
- A current and valid U.S. passport;
- A current and valid employee ID card, issued by the U.S. government, the State of Mississippi, or any state entity;
- A current and valid Mississippi license to carry a pistol or revolver;
- A valid tribal identification card;
- A current and valid U.S. military ID;
- A current and valid student ID, issued by an accredited Mississippi higher education; or
- An official Mississippi voter ID card.

**Exceptions Available**

A voter with religious objections to being photographed may cast an affidavit (provisional) ballot at the polls, which will count if she visits the registrar's office within 5 days of the election and executes an affidavit affirming her religious beliefs.

**Early/Absentee Voting ID Requirements**

The photo ID law requires the Secretary of State to prepare instructions on how absent voters may comply with the law's ID requirements.

**Free ID**

The Secretary of State must negotiate a Memorandum of Understanding between the Mississippi Department of Public Safety and the registrar of each county for the purpose of providing a Mississippi Voter ID Card free of charge to registered Mississippi voters who do not have a valid unexpired Mississippi driver's license or state ID. The registrar will require presentation of one of the following before issuing a Mississippi Voter ID Card:

- A photo ID document;
- Documentation showing the person's date and place of birth;
- A social security card;
- A Medicare card;
- A Medicaid card; or

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<sup>4</sup> Other than "state issued photo identification" which will be offered "free of charge from the Mississippi Department of Public Safety" to certain voters, the initiative does not specify which IDs will be accepted.

<sup>5</sup> Notably, the implementing legislation permits a broader range of photo ID to be accepted than does Initiative #27, which requires government issued photo ID. Whether and how this inconsistency is reconciled remains to be determined.

- Other acceptable evidence of verification of residence in the county as determined by the Secretary of State.

### **Public Education Requirements**

No public education requirements are specified by statute.

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## **NEW HAMPSHIRE**

**Effective Date:** New Hampshire’s law was first passed on June 27, 2012, after the legislature overrode a gubernatorial veto. In 2013, the list of acceptable forms of ID was amended further, and the effective date is now September 15, 2013.

### **Photo IDs Permitted**

Prior to voting, a voter must provide one of the following valid forms of photo ID (the name on the ID must be “substantially similar” to that of the voter registration record):

- A driver’s license issued by the state of New Hampshire or any other state;;
- An identification card issued by the director of motor vehicles;
- A United States armed services identification card;
- A United States passport or a passcard;
- Any other valid photo identification issued by federal, state, county, or municipal government;
- A valid student identification card (all student identification cards issued after January 1 2014 are required to have a date of issuance; in all elections before September 1, 2018, student ID cards without a date of expiration or issuance will still be acceptable);
- A photo identification not authorized specifically above, but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk.<sup>6</sup>  
The ID cannot have expired more than five years ago, except that anyone 65 years or older may use an expired form of identification that would otherwise be deemed valid.

### **Non-Photo IDs Permitted**

Verification of the person’s identity by a moderator, supervisor of the checklist, or the town or city clerk is also acceptable.<sup>7</sup>

### **Affidavit Alternative**

There is a qualified voter affidavit that can be filled out and submitted in lieu of presenting photo identification. If the voter submits an affidavit, the voter can cast a regular ballot and a letter of identity verification will be sent by the Secretary of State. The letter will be mailed 60 days after the election, unless it is a primary in which case the letter will be mailed 60 days after the general

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<sup>6</sup> Provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a challenged voter affidavit.

<sup>7</sup> Provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a challenged voter affidavit.

election, and if the election is a regularly scheduled municipal election, the letter will be mailed by the July 1 or January 1 next following the election.

The Secretary of State will mark the envelope with instructions to the U.S. Post Office not to forward the letter and to provide address correction information. The letter will notify the person that someone who did not present valid photo identification voted using his or her name and address, and instruct the person to return the letter within 90 days with a written confirmation that the person voted, or contact the attorney general immediately. Any letters that are returned as undeliverable or any letters returned saying the person did not vote will be referred to the attorney general for an investigation into fraudulent voting.

### **Free IDs**

The fee for voter identification cards will be \$10, with exceptions for people who turn in his or her driver's license before its expiration date if they are over 65. A person who requires a photo identification card for voting may obtain a voucher from his or her town or city clerk or the Secretary of State exempting the person from the fee.

### **Public Education Requirements**

The Secretary of State will prepare an explanatory document explaining the proof of identity requirements, and will provide copies of the document to all towns and wards so it will be available to all persons registering to vote and at polling places at each election. The Secretary of State will take whatever measures he or she deems necessary to educate the public including displaying the information on the Department of State's website, and will provide explanatory information to media outlets that request the information and encourage such outlets to assist the department in educating the public.

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## **NORTH CAROLINA**

**Effective Date:** Starting on January 1, 2014, election officials will request that voters provide an acceptable form of voter ID, and give notice it will be required in 2016. No photo ID will be required to vote until January 1, 2016.

### **Acceptable Forms of ID**

Every qualified voter shall present photo ID bearing reasonable resemblance to that voter to a local election official before voting. "Photo identification" means any of the following that contains a photograph and that shall have an expiration date and be unexpired, provided that people over 70 may use an expired ID that was unexpired on their 70th birthday.

- North Carolina driver's license, including learner's permit or provisional license.
- Special non-operator's identification card
- Passport
- Military identification card (no requirement that it have a printed expiration or issuance date)



- Veteran's identification card (no requirement that it have a printed expiration or issuance date).
- Tribal enrollment card (no expiration date is required if the issuance date is fewer than 8 years before it is presented)
- A driver's license or nonoperator's identification card issued by another state if the voter's voter registration was within 90 days of the election (no expiration date is required if the issuance date is fewer than 8 years before it is presented)

### **Exemptions from Photo ID Requirement**

- People who, because of age or disability, are permitted to use curbside voting.
- Religious objectors who have filed a declaration at least 25 days before the election, or who sign declaration in-person at county board of elections after voting provisional ballot.
- Victims of natural disaster resulting in disaster declaration and occurring within 60 days of the election
- Law contains no affidavit alternative

### **Provisional Ballot Counted if Acceptable Photo ID Later Presented**

Provisional ballot counted if acceptable ID is presented in person at the county board of elections by noon on the day prior to convening of the election canvass.

### **Free Photo ID**

Registered voters who do not have acceptable photo ID may sign a declaration to such effect and shall be issued an ID card for free after their registration is verified. Such declaration, if false or fraudulent, is a Class I felony.

- Permits challengers to challenge a voter for failure to present photo ID.
- Expands types of facilities offering voter registration services
- Creates Voter Information Verification Advisory Board to assist in election administration

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## **PENNSYLVANIA**

**Effective Date:** The law was passed with an effective date of March 14, 2012, but it was challenged in Pennsylvania state court<sup>8</sup> and is now subject to a preliminary injunction. Under the terms of that injunction—issued by the Commonwealth Court of Pennsylvania on October 2, 2012—voters may be asked for photo ID at the polls during the November election but voters lacking such ID can still vote a regular ballot. The petitioners' application for a permanent injunction of the law remains outstanding. In addition, the Department of Justice initiated an investigation on July 23, 2012 into whether the law complies with Section 2 of the Voting Rights Act and other federal voting rights laws.

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<sup>8</sup> *Applewhite et al. v. Commonwealth of Pennsylvania, et al.* Commonwealth Court of Pennsylvania (Filed May 1, 2012).



### **Photo IDs Permitted**

Prior to voting, a voter must provide one of the following valid forms of photo ID:

- Photo ID issued by the department of transportation that is not more than twelve months past the expiration date;
- Unexpired photo ID issued by the U.S. government that includes an expiration date;
- U.S. military photo ID that does not contain an expiration date, but notes that the expiration date is indefinite;
- Unexpired municipal employee Photo ID that includes an expiration date;
- Unexpired student photo ID from an accredited public or private higher education institution that includes an expiration date; or
- Unexpired photo ID from certain state care facilities that includes an expiration date.

### **Non-Photo IDs Permitted**

A voter who has a religious objection to being photographed must provide a valid-without-photo driver's license or a valid-without-photo ID card issued by the department of transportation.

### **Limited Exception for Indigent Voters**

A voter who is unable to produce the required ID on the grounds that he or she is indigent and cannot obtain such ID for free must cast a provisional ballot, and provide an affirmation to the county board within six days, affirming his or her identity and indigent status, or the ballot will not count.

### **Absentee Voting ID Requirements**

An absentee voter who has been issued a current and valid driver's license must provide his or her license number. An absentee voter who has not been issued a current and valid driver's license can provide the last four digits of his or her social security number. A qualified absentee voter who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act will not be required to provide proof of ID.

### **Free IDs**

The department of transportation must issue free voter ID cards to any registered voter who provide an affirmation that they lack the ID the law requires and require ID for voting purposes.

### **Public Education Requirements**

Between the effective date of the law and September 17, 2012, the photo ID specified in the law will be requested but not required. During this time frame, if any voter who will be required to produce photo ID starting on September 17, 2012 is unable to produce the photo ID requested, election officials will provide him or her with written information about the new law's requirements.

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## **RHODE ISLAND**

**Effective Date:** July 2, 2011. Certain provisions effective Jan. 1, 2012 and certain other provisions effective Jan. 1, 2014.

### **Photo IDs Permitted**

Proper ID is defined as “a valid and current document showing a photograph of the persons to whom the document was issued, including without limitation”<sup>9</sup>:

- Rhode Island driver’s license;
- Rhode Island voter ID card (*i.e.*, new, free ID card for voters);
- U.S. passport;
- Photo ID from U.S. educational institution;
- U.S. military photo ID ;
- Any photo ID card issued by U.S. or Rhode Island; or
- Government-issued medical card with photo.

Until Jan. 1, 2014, voters may also prove their identity by showing non-photo documentation, “including without limitation”:

- Birth certificate
- Social security card
- Government-issued medical card

### **Exception available**

Any voter without a qualifying photo ID can complete a provisional ballot application and cast a provisional ballot. If the signature on the provisional ballot application matches the signature on the voter registration, then the Board of Elections will count the ballot.

### **Affidavit Alternative**

There is no affidavit alternative.

### **Early/Absentee Voting ID Requirements**

The photo ID law does not apply to absentee voting. Under existing Rhode Island law, all absentee ballots must be either notarized or signed by two witnesses.

### **Free IDs**

Rhode Island must start issuing free voter ID cards pursuant to regulations yet to be promulgated by the Secretary of State.

### **Public Education Requirements**

No public education requirements are specified by statute.

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## **NORTH DAKOTA**

**Effective Date:** August 1, 2013

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<sup>9</sup> The language, “without limitation,” suggests that any current photo identification that includes the name and photograph of the voter will be accepted.

### **Photo IDs Permitted**

All voters must produce a “valid and current”:

- Valid Driver’s license or state ID card;
- Valid government-issued tribal ID card
- An alternative form of identification prescribed by the Secretary of State. These include a student identification certificate (provided by a North Dakota college or university) or a long term care identification certificate (provided by North Dakota facility).

### **Affidavit Alternative**

None.

### **Early/Absentee Voting ID Requirements**

The photo ID requirements apply to all persons voting early. If the voter does not possess an approved form of identification, the application can be signed by another qualified elector to certify his or her identity.

### **Free IDs**

The Elections Director must make a free voter registration card available to any North Dakota resident who applies and meets all requirements within 30 days. The election director may require an applicant to prove their identify using a social security card and proof of residence address.

### **Public Education Requirements**

The Elections Director “may advertise the availability and the use of the [voter ID] card,” but this is not required.

## **SOUTH CAROLINA**

**Effective Date:** In effect, though after South Carolina sued for preclearance in federal court,<sup>10</sup> the restrictiveness of the law was reduced because of a broader interpretation of the “reasonable impediment” exception.

### **Photo IDs Permitted**

All voters must produce a “valid and current”:

- South Carolina driver’s license;
- Any other photo ID issued by South Carolina Department of Motor Vehicles;
- U.S. passport;
- U.S. military photo ID; or
- South Carolina voter registration card with photo (*i.e.*, new, free ID card for voters).

*\*Student IDs are not accepted in South Carolina for purposes of identification for voting.*

### **Affidavit Alternative**

Persons with religious objections to being photographed or who have a “reasonable impediment” to obtaining a photo ID may cast a provisional ballot and submit an accompanying affidavit. County

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<sup>10</sup> *South Carolina v. Holder*, US District Court for the District of Columbia (Filed February 7, 2012).

Boards of Registration and Elections must find such affidavits to be valid unless officials have grounds to believe that an affidavit is false. Affidavits must confirm the identity of the voter, state that the voter cast a provisional ballot, and state that:

- The voter has a religious objections to being photographed; or
- The voter has a “reasonable impediment” to obtaining photo ID. The voter must identify the impediment on the affidavit, unless otherwise prohibited by state or federal law. Any impediment listed will be deemed acceptable.

### **Early/Absentee Voting ID Requirements**

The photo ID law does not apply to mail-in absentee voting. Under preexisting South Carolina law, to vote absentee, a voter must have a witness attest to his or her signature, and consistent with federal law, if a first time voter registered by mail, they must include proof of identity under HAVA with their mail-in absentee ballot.

### **Free IDs**

The State Elections Commission must make free voter registration card available to anyone aged 17 or older who shows a birth certificate or “other evidence acceptable to the department of his name and date of birth.”

### **Public Education Requirements**

The State Elections Commission must establish an “aggressive” voter education program, including:

- Posting information at County boards and State elections offices, and on their websites;
- Training poll workers at their mandatory training sessions to answer questions from voters;
- Posting documentation at polling places describing the changes in the legislation;
- Conducting at least two county-wide public education seminars prior to December 15, 2011;
- Conducting additional seminars at the local or statewide levels
- Placing ads in State newspapers and with local media outlets to disseminate information concerning the changes;
- Notifying each registered voter who does not have State driver’s license or ID card of the provisions of this act no later than Dec. 2011.

South Carolina’s State Elections Commission must create a list containing all registered voters who are otherwise qualified to vote but do not have a South Carolina driver’s license or other form photo ID issued by the Department of Motor Vehicles as of Dec. 1, 2011. The list must be made available to any registered voter upon request. The Commission may charge a reasonable fee for the list.

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## **TENNESSEE**

**Effective Date:** January 1, 2012

### **Photo IDs Permitted**

Voter must supply “evidence of identification,” defined as:

- Tennessee driver’s license;

- Valid photo ID issued by Tennessee or the U.S., provided that such ID contains a photograph; *except* a student ID card issued by institute of higher learning, which is specifically excluded;
- Valid non-driver ID card issued by Tennessee Department of Safety;
- Valid U.S. passport;
- Valid employee photo ID card issued by Tennessee, any other state government, or U.S., where authorized by law to issue employee identification provided that such ID contains a photograph; or
- Valid U.S. military photo ID that contains a photograph;
- A [bill](#) passed in 2013 also specifies that a photo identification card issued by a county or municipality or entity thereof, including a public library, will not be evidence of identification for purposes of verifying the person's identification on the application for ballot.

### **Exceptions Available**

The photo ID law does not apply to:

- Voters in nursing homes who are eligible to vote at their facility per existing law; or
- Voters eligible to cast an emergency absentee ballot due to hospitalization under existing law.

### **Affidavit Alternative**

A voter who meets the following conditions may execute an affidavit of identity at the polls on Election Day and shall be permitted to vote:

- A voter who has a religious objection to being photographed;
- A voter who is indigent and unable to obtain proof of ID without payment of a fee.

### **Early/Absentee Voting ID Requirements**

The photo ID requirements apply to all persons voting early. The photo ID law did not change absentee voting rules. Under preexisting Tennessee law, first-time voters who register to vote by mail cannot vote by absentee ballot; they must vote in person.

### **Free IDs**

Free IDs are available if the elector is a U.S. citizen who will be at least 18 on the date of the next election, and the elector requests that the card be provided without charge for purposes of voting

### **Public Education Requirements**

No public education requirements are specified by statute.

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## **TEXAS**

**Effective Date:** In effect.

### **Photo IDs Permitted**

The following are acceptable forms of photo identification:

- A driver's license, election ID certificate, or personal ID card issued to the person by the Department of Public Safety that is unexpired or expired no earlier than 60 days before the election (note: an election certificate issued to a person 70 years or older does not expire);
- U.S. military ID card that contains the person's photograph and is unexpired or expired no earlier than 60 days before the election;
- U.S. citizenship certificate issued to the voter with their photograph;
- U.S. passport that is unexpired or expired no earlier than 60 days before the election; or
- A license to carry a concealed handgun issued by the Department of Public Safety that is unexpired or expired no earlier than 60 days before the election.

Student IDs are not accepted in Texas for purposes of identification for voting.

### **Exceptions Available**

A person may obtain an exemption from the ID requirement on the basis of disability if they produce a statement in a form determined by the Texas Secretary of State that the applicant does not have any of the prescribed forms of identification, and they have an:

- U.S. Social Security Administration determination of disability; or
- U.S. Department of Veterans Affairs disability rating of at least 50%.

### **Affidavit Alternative**

A voter without a photo ID may cast a provisional ballot, which will count if she signs an affidavit attesting to the fact that she:

- has a religious objection to being photographed, or
- does not have an ID as a result of a natural disaster declared by the U.S. President or Texas' Governor no earlier than 45 days before the election and that disaster caused the inability to access the voter's ID.

The affidavit may be signed at the time the provisional ballot is cast or at the time the voter appears before the voter registrar within 6 days following the election to have the provisional ballot counted.

### **Early/Absentee Voting ID Requirements**

The photo ID requirement does not apply to absentee voting, including early voting by mail. Photo ID requirements apply to all in-person or curbside early voting.

### **Free IDs**

Texas will issue an Election Identification Certificate (EIC) to persons who do not have another qualifying ID for purposes of voting. The applicant must present a voter registration certificate or register to vote at the time of applying for an EIC. There is no fee for an initial or duplicate EIC.

### **Public Education Requirements**

The voter registrar of each county shall provide notice of the identification requirements for voting and a detailed description of those requirements with each voter registration certificate or renewal registration certificate he or she issues. In addition, the Secretary of State, and the voter registrar of each county that maintains a website, shall provide notice of the ID requirements for voting in each language in which voter registration materials are available. The Secretary of State shall prescribe the wording of the notice to be included on the websites, and shall also conduct a statewide effort to educate voters regarding the identification requirements for voting. The county clerk of each county shall post in a prominent location at the clerk's office a physical copy of ID information in each

language in which voter registration materials are available. Finally, the presiding judge at each polling place shall post a list of the acceptable forms of ID outside in a prominent place.

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## **VIRGINIA**

**Effective Date:** July 1, 2014

### **Voter IDs Permitted**

Prior to voting, a voter must provide one of the following forms of ID:

- Valid Virginia driver's license or any other ID issued by a Virginia government agency, one of its political subdivisions, or the U.S. government;
- Valid U.S. Passport
- Any valid student identification card issued by any institution of higher education located in the Commonwealth of Virginia;
- Any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

This law eliminates the preexisting option of executing an affidavit of identity when voting at the polls or applying for an absentee ballot in person, while expanding the list of acceptable IDs.

### **Exceptions**

None.

### **Affidavit Alternative**

Any voter who does not show one of the forms of identification specified shall be offered a provisional ballot marked "ID Only." In order to have his or her ballot counted, the voter must submit a copy of one of the forms of identification to the electoral board no later than noon on the third day after the election.

### **Early/Absentee Voting ID Requirements**

This law applies to in-person applications for an absentee ballot.

### **Free ID**

The State Board must provide each general registrar with the equipment necessary to obtain a voter's photograph and signature, and no general registrar shall be required to purchase such equipment as his or her own expense. The State Board shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of ID permitted, for the purpose of providing free voter registration cards to such voters. The Department of Motor Vehicles shall provide assistance as required in providing such voter registration cards.

### **Public Education Requirements**

No public education requirements are specified by statute.

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## WISCONSIN

**Effective Date:** The law was passed but is not currently in effect. Two Wisconsin state courts have issued permanent injunctions barring enforcement of the law;<sup>11</sup> in addition, two challenges to the law are pending in federal court.<sup>12</sup>

### **Photo IDs Permitted**

A voter may use one of the following documents, so long as it is unexpired or expired after the date of the most recent election, the name of the individual to whom the document was issued (conforms to the individual's voter registration form), and contains a photograph of the individual:

- Wisconsin Driver's License;
- Wisconsin ID Card;
- ID card issued by a U.S. uniformed service;
- U.S. Passport;
- Certificate of U.S. Naturalization that was issued not earlier than 2 years before that Election Day;
- Unexpired ID card receipt (*i.e.*, receipt showing that the voter applied for a state ID, that unexpired receipt may be used as proof of identity);
- ID card issued by a federally-recognized Indian tribe in Wisconsin; or
- Unexpired ID card issued by a Wisconsin university or college that is accredited, that contains a date of issuance and signature of the individual to whom it is issued, and that contains an expiration date indicating that the card expires no later than 2 years after the date of issuance. The student must also establish that he or she is enrolled as a student or university or college on the date that the card is presented.

Student IDs as they are currently issued by all post-secondary institutions are not accepted in Wisconsin for purposes of identification for voting.

### **Exceptions Available**

- Military and overseas voters are exempt from providing statutory ID when requesting absentee ballot or voting absentee.
- A person designated as a confidential elector (such as a domestic violence victim or police officer) is not required to provide statutory ID if the voter has a confidential voter card issued by Law Enforcement Organization (LEO).
- A voter who has surrendered his or her driver license is not required to provide photo ID, but must provide the original copy of the citation or notice.
- Persons with a religious objection are not exempt from the ID requirement; however the law provides for such individuals to obtain an acceptable ID without a photograph.

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<sup>11</sup> Those cases are *League of Women Voters of Wisconsin v. Walker*. Wisconsin Court of Appeals, District IV (Filed: October 20, 2011) and *Milwaukee Branch of the NAACP v. Walker*. Dane County Circuit Court (Filed: December 16, 2011)

<sup>12</sup> Those cases are *Frank v. Walker*. United States District Court for the Eastern District of Wisconsin. (Filed: December 13, 2011) and *Jones v. Deininger*. U.S. District Court for the Eastern District of Wisconsin (Filed: February 23, 2012).

### **Affidavit Alternative**

There is no affidavit option for voting without an ID.

### **Early/Absentee Voting ID Requirements**

ID required for both early voting and absentee voting. The following exceptions apply to absentee voting:

- An absentee elector, who has received an absentee ballot from the municipal clerk by mail for a previous election, has provided a copy of statutory ID with that previous absentee ballot, and has not changed his or her name or address since providing statutory ID, is not required to provide statutory ID with subsequent absentee ballots.
- An indefinitely confined elector may submit a statement with the indefinitely confined elector's address, signed by the individual who witnesses the absentee certificate envelope verifying that elector's name and address.
- Electors residing in a qualified retirement home, qualified community-based residential facility, certified residential care apartment complex, certified or licensed adult family home where the municipal clerk does not send special voting deputies for absentee voting are exempted. Otherwise, these electors may submit a statement signed by the individual who witnesses the absentee certificate envelope that contains: (1) the certification of the authorized representative that the elector resides there; (2) the complex, facility or home is registered or certified as required by law; and (3) the name and address of the elector.
- When absentee voting is conducted by special voting deputies in certain homes, facilities and complexes, the absentee elector may submit a statement with the absentee elector's name and address signed by the special voting deputies verifying the absentee elector's name and address are correct. The statement shall be enclosed in the certificate envelope. If the elector presents statutory ID, the special voting deputies shall make a copy and enclose it in the certificate envelope.
- A voter who has surrendered his or her driver license is not required to provide photo ID, but must provide the original copy of the citation or notice.
- A person designated as a confidential elector (such as a domestic violence victim or police officer) is not required to provide statutory ID if the voter has a confidential voter card issued by Law Enforcement Organization (LEO).

### **Free IDs**

DOT-issued identification cards can be obtained for free (both as initial issuances or renewal), if the elector is a U.S. citizen who will be at least 18 on the date of the next election, and the elector requests that the card be provided without charge for purposes of voting. If there is a religious objection, a card may be issued without a photograph.

### **Public Education Requirement**

The Government Accountability Board is required to conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements the new photo identification and proof of residence requirements. Any voter casting an in-person ballot before the 2012 Spring Primary Election who cannot produce or refuses to produce photo ID will be given information in writing about the new photo ID requirements.