

**2012 VOTING LAW CHANGES:
PASSED AND PENDING LEGISLATION THAT HAS THE
POTENTIAL TO SUPPRESS THE VOTE**

Below is a compilation of potentially restrictive laws related to voting that were proposed nationwide in the 2011 and 2012 state legislative sessions, and that have been passed or remained pending as of October 3, 2012. For the most current status of any particular bill, it is best to check the state legislative website.

Alabama

Passed Legislation

Photo ID Required to Vote

Bill: [H.B. 19](#)

Status: The law was passed, but it is not currently in effect. By its terms, the law would not take effect until 2014. In addition, because the law is subject to Section 5 of the Voting Rights Act, it requires preclearance approval by the Department of Justice or a federal district court. Alabama has submitted the law to the Department of Justice for preclearance.

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

Updated October 3, 2012

Voting 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.

Proof of Citizenship Required to Register to Vote

Bill: [H.B. 56](#)

Status: The law was passed, but it is not currently in effect. Because the law is subject to Section 5 of the Voting Rights Act, it can only take effect if and when preclearance approval by the Department of Justice or a federal district court is granted. Alabama has submitted the law to the Department of Justice for preclearance.

Proof of Citizenship Permitted

Evidence of United States citizenship must be demonstrated by one of the following documents, or a legible photocopy of one of the following documents:

- A driver's license or nondriver's identification card;
- A birth certificate that verifies United States citizenship to the satisfaction of the county election officer or Secretary of State;
- Pertinent pages of a valid or expired U.S. passport identifying the applicant and the applicant's passport number;
- A United States passport;
- Naturalization documents or the number of the certificate of naturalization;
- Other proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952;
- A Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number;
- A consular report of birth abroad of a U.S. citizen;
- A certificate of citizenship issued by Citizenship and Immigration Services;
- A certification of report of birth issued by the United States Department of State;
- An American Indian card;
- A final adoption decree showing the applicant's name and U.S. birthplace;
- An official United States military record of service showing the applicant's place of birth in the United States;
- An extract from a U.S. hospital record of birth created at the time of the applicant's birth indicating the applicant's place of birth in the United States.

Applicability

Any person who is already registered in the state on the effective date of this law is presumed to have provided satisfactory evidence of citizenship and will not be required to resubmit evidence of citizenship. In addition, anyone who alters their voter registration to indicate a move within the state shall be presumed to have provided satisfactory evidence of citizenship.

Affidavit Alternative

If evidence of United States citizenship is deemed to be unsatisfactory due to an inconsistency between the document submitted as evidence and the name or sex provided on the application for registration, such applicant may sign an affidavit containing both a statement of the inconsistency related to the name or sex, and the reason therefore; and a statement under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship.

Free Proof of Citizenship

Free birth certificates will be provided for the purpose of satisfying the proof of citizenship requirement to complete a voter registration application. The person must swear that the information is to be used for the purpose of voting and does not have any of the other documents listed as acceptable.

Florida

Passed Legislation

Restrictions on Voter Registration (Regulation of Third Parties)

Bill: [H.B. 1355](#)

Status: This bill was implemented in 62 of Florida's 67 counties upon the Governor's signature on May 21, 2011. However, on May 31, 2012, a federal court preliminarily blocked enforcement of many of the law's most onerous provisions, finding that the plaintiffs in that case are likely to win on their claims that the law violates the U.S. Constitution and federal law.¹ On August 30, 2012, the court entered a permanent injunction based on the parties' agreement. A preclearance action of the remaining voter registration restrictions not covered by the permanent injunction remains pending in DC federal court.²

Restrictions on Voter Registration Activity: This bill creates a new mandatory registration system for any "third party voter registration organization," defined as anyone who collects or solicits a voter registration form from another person who is not their spouse, child, or parent. The law requires that any individual or group meeting this definition:

¹ *League of Women Voter of Florida et al., v. Browning, et al.*, --- F.Supp.2d ----, 2012 WL 1957793 (N.D.Fla.) (May 31, 2012) (Preliminary Injunction Order).

² *State of Florida v. Holder*, US District Court for the District of Columbia (Filed: 8/1/2011).

- Register electronically with the state before engaging in any voter registration activity. This electronic submission must include the name and address of each employee or volunteer who will be registering voters on the organization's behalf, called the organization's "registration agents." Have each registration agent sign a sworn declaration acknowledging criminal penalties for false voter registration, which the organization must submit along with other required information.
- Place information identifying the organization on any blank voter registration forms received from Florida election officials.
- Ensure that any completed registration form collected by one of its registration agents is delivered to Florida officials within 48 hours of completion unless the appropriate government office is closed during the required time of submission.
- Account for every state and federal form they use, and to submit this information to the state for inclusion in a publicly-available database.

Punishment for Offense of the Law:

Failure to comport with these requirements subjects the registration agent or third-party voter registration organization responsible to a series of fines and civil actions.

Restrictions on Voter Registration (Regulation of the Individual)

Bill [H.B. 1355](#) (see also above)

Status: Signed into law; effective May 19, 2011. Preclearance granted for the 5 Florida counties subject to Section 5 of the Voting Rights Act on August 16, 2012, pursuant to Florida's promise that movers' provisional ballots will be county absent evidence of fraud.

Prohibits registered voters from making a cross-county address update at the polls.

Restrictions on Early Voting

Bill: [H.B. 1355](#) (see also above)

Status: Signed into law; effective May 19, 2011. Like the above restrictions on voter registration organizations, Florida's cutbacks to its early voting period are subject to federal preclearance in 5 of Florida's 67 counties. On August 16, 2012, the federal court overseeing the preclearance action denied Florida's request for preclearance of the cutbacks to early voting, finding that the State had failed to satisfy its burden of showing that those changes would not have a discriminatory effect on minority voters. The Department of Justice has approved Florida's resubmitted early voting plans. In addition, on June 29, 2012 a state senator, the ACLU of Florida, and the National Council of La Raza filed a state administrative petition against the Secretary of State challenging his authority under Florida law to set up a "dual election system"

Updated October 3, 2012

with different rules in counties covered and not covered by Section 5. That petition was dismissed as moot on September 18, 2012.³

Previous Early Voting Period:

Began the fifteenth day before Election Day and ended on the second day before Election Day (a period of approximately fourteen days).

New Early Voting Period:

Begins on the tenth day before Election Day for state or federal races, and ends on the third day before Election Day (a period of approximately eight days). The supervisor of elections may provide early voting for elections that are not held in conjunction with state or federal elections; however the supervisor has the discretion to determine the hours of early voting site for such occasions.

Hours:

Early voting shall be provided for no less than six hours and no more than twelve hours per day. Previous law required each early voting site to be open for eight hours per weekday and eight hours in the aggregate each weekend.⁴

Georgia

Passed Legislation

Restrictions on Early Voting

Bill: [H.B. 92](#)

Status: The law went into effect on August 22, 2011, when the Department of Justice granted preclearance under Section 5 of the Voting Rights Act.

Previous Early Voting Period:

Began in-person absentee voting forty-five days prior to a state or federal election and twenty-one days before a local election (a period of approximately forty-five days), and ended the day before Election Day.⁵

New Early Voting Period:

³ *Joyner et al. v. Secretary of State of Florida*, Florida Division of Administration Hearings (Filed 6/29/2012).

⁴ Fla. Stat. § 101.657 (2010).

⁵ Georgia previously conducted early voting under laws governing absentee voting. Under the old laws, absentee ballots were made available forty-five days before a primary or general election other than a municipal election or twenty-one days before a municipal primary or election, and could be completed in person at the registrar's or absentee ballot clerk's office or other designated location through the day before the election. Ga. Code Ann. §§ 21-2-384, 21-2-385 (2010). The new law creates a period of early voting distinct from absentee voting.

Updated October 3, 2012

Begins on the fourth Monday prior to each primary or general election and as soon as possible prior to a runoff, and ends on the Friday immediately prior to each primary, general election, or runoff (a period of approximately twenty-one days).

Hours:

- Normal business hours on weekdays;
- The second Saturday prior to a primary or general election between 9AM and 4 PM; however in elections where there are no federal or state candidates on the ballot, no Saturday hours shall be required.

NOTE: Counties and municipalities may extend the hours for voting beyond regular business hours and may provide for additional voting locations to suit the needs of the jurisdiction.

Illinois

Passed Legislation

Restrictions on Voter Registration (Regulation of Third Parties)

Bill: [S.B. 1586](#)

Status: Signed into law; effective July 5, 2011.

This bill amended the state's deputy registrar law, which permits certain individuals and civic organizations that collect voter registration applications to apply for appointment as deputy registrars. Prior law required deputy registrars to return completed registration materials to the election official within seven days after receipt. As amended, the law requires completed registration materials to be returned by first-class mail within 2 business days or by personal delivery within 7 days. The amendment also eliminated the prior requirement that the election authority appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations.

Pending Legislation

Restrictions on Voter Registration (Regulation of Third Parties)

Bill: [H.B. 1482](#)

Status: Referred to committee; pending (carried over from 2011).

Reduces the amount of time voter registrars have to turn in registration applications from seven days to two days.

Photo ID Required to Vote

Updated October 3, 2012

Bill: [S.B. 2035](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified forms of photo ID when voting in person.

Bill: [H.B. 3058](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified forms of photo ID when voting in person or by mail, subject to certain exemptions.

Bill: [H.B. 3903](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified forms of photo ID when voting in person.

Bill: [H.B. 5213](#)

Status: Referred to committee; pending.

Requires certain government-issued photo ID to vote.

Bill: [H.B. 5462](#)

Status: Referred to committee; pending.

Requires certain government-issued photo ID to vote.

Bill: [S.B. 2496](#)

Status: Referred to committee; pending.

Requires government-issued photo ID when voting in person.

Bill: [S.B. 3750](#)

Status: Referred to committee; pending.

Requires certain government-issued photo ID to vote.

Kansas

Passed Legislation

Photo ID Required to Vote

Bill: [H.B. 2067](#)

Status: Signed into law; effective 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.⁶

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;
- Members of 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

⁶ 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.

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.

Proof of Citizenship Required to Register to Vote

Bill: [H.B. 2067](#) (see also above)

Status: Signed into law; effective Jan. 1, 2013.

Proof of Citizenship Permitted

A registrant shall not be registered until they provide satisfactory evidence of citizenship. This includes:

- A driver's license or nondriver's ID card issued by Kansas, or by another state or district of the U.S. if the agency indicates on the license or ID that a person has provided satisfactory proof of U.S. citizenship;
- A birth certificate that verifies U.S. citizenship to the satisfaction of the county election officer or secretary of state;
- Pertinent pages of a current or expired U.S. passport;
- Naturalization documents of the number of the certificate of naturalization;
- Other documents of citizenship issued by the federal government;
- A bureau of Indian affairs card or card number;
- A consular report of birth abroad of a citizen of the U.S.;
- A certificate of citizenship issued by the U.S.;
- A certification of report of birth issued by the US department of state;
- An American Indian card with KIC classification;
- Final adoption decree showing name and birthplace;
- Official U.S. military record of service showing the applicant's birth in U.S.;
- Extract from U.S. hospital record of birth indicating the applicant's place of birth in U.S.

If an applicant is an U.S. citizen but does not have any of the documents listed above they may submit evidence they believe demonstrates their citizenship. In order to verify this evidence, the applicant must submit their registration application and the evidence of citizenship to the elections division of the secretary of state who shall give the applicant an opportunity for a hearing on the evidence. The state board shall assess the evidence and determine if the applicant is qualified to vote.

Applicability

Any person who is already registered in the state on the effective date of this law is presumed to have provided satisfactory evidence of citizenship and will not be required to resubmit evidence of citizenship

Affidavit Alternative

If there is an inconsistency, including name or sex, between the proof of citizenship and the registration application the applicant may sign an affidavit stating the reason for the inconsistencies and swearing under oath that the applicant is a citizen of the U.S. In order to sign such an affidavit, there may not be inconsistencies between date of birth on the registration application and the proof of citizenship.

Free Proof of Citizenship

Although pursuant to a separate bill, S.B. 129, effective July 1, 2012, the state must provide free certified copies of birth certificates for persons requiring them to register to vote, such an applicant must swear under oath that he or she plans to register to vote in Kansas and that he or she does not possess any of the documents accepted as proof of citizenship under the law.

Public Education Requirement

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.

Maine

Passed Legislation

Restrictions on Voter Registration (Regulation of the Individual)

Bill: [L.D. 1376](#)

Status: The law was passed effective June 21, 2011 but was subsequently repealed by citizen initiated referendum.

Would have eliminated Election Day registration, ending the voter registration period two days before the election.

Massachusetts

Pending Legislation

Photo ID Required to Vote

Bill: [H.B. 1113](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified forms of photo ID to complete voting by provisional ballot.

Bill: [H.B. 1115](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified forms of photo ID when voting.

Bill: [H.B. 2731](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified forms of photo ID when voting in person and to complete a provisional ballot.

Bill: [S.B. 316](#)

Status: Referred to committee; pending (carried over from 2011).

Requires photo ID when voting in person (acceptable forms of photo ID not specified).

Bill: [H.B. 3116](#)

Status: Referred to committee; pending (carried over from 2011).

Requires a voter to present photo ID issued by the registry of motor vehicles to vote.

Photo ID Requested to Vote

Bill: [H.B. 1104](#)

Status: Referred to committee; pending (carried over from 2011).

Requests specified forms of photo ID when voting in person.

Voter ID Required to Vote

Bill: [S.B. 318](#)

Status: Referred to committee; pending (carried over from 2011).

Requires proof of ID when voting (acceptable forms of ID not specified).

Bill: [H.B. 191](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified forms of ID, including non-photo ID, when voting in person. Eliminates provision under current law that permits a person without the requisite ID to vote a ballot that

Updated October 3, 2012

can be challenged, providing instead that any person who fails to present the required ID shall not be permitted to vote.

Bill: [S.B. 320](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified forms of ID, including non-photo ID, when voting in person.

Bill: [H.B. 1108](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified forms of ID, including non-photo ID, when voting in person.

Proof of Citizenship Required to Register to Vote

Bill: [H.B. 194](#)

Status: Referred to committee; pending (carried over from 2011).

Requires documentary of proof of citizenship when registering to vote.

Michigan

Pending Legislation

Proof of Citizenship Required to Register to Vote

Bill: [H.B. 5221](#)

Status: Referred to committee; pending (carried over from 2011).

Requires specified documentary of proof of citizenship when registering to vote. If registered prior to effective date, must provide proof of citizenship only upon changing residence.

Minnesota

Passed Legislation

Photo ID Required to Vote

Bill: [H.F. 2738](#) (companion bill to S.F. 1577)

Updated October 3, 2012

Status: Passed by Legislature; will be placed on November 2012 ballot for voter approval. The proposed language of Minnesota’s ballot measure is currently being litigated in state court.⁷

Proposes an amendment to the Minnesota Constitution to be voted on by referendum at the 2012 general election that would require government issued photo ID to vote in person. The amendment would further provide that the state must make photo ID available to eligible individuals at no charge. A person who lacks the requisite ID must be permitted to submit a provisional ballot.

Potential Restrictions on Voter Registration (Regulation of the Individual)

Bill: [H.F. 2738](#) (companion bill to S.F. 1577)

Status: Passed by Legislature; will be placed on November 2012 ballot for voter approval. The proposed language of Minnesota’s ballot measure is currently being litigated in state court.⁸

Proposes an amendment to the Minnesota Constitution that would require that all voters be subject to “substantially equivalent eligibility verification prior to a ballot being cast or counted.” Some opponents of the amendment have argued that this requirement has the possible effect of eliminating Election Day Registration as it currently exists.

Mississippi

Passed Ballot Initiative

Photo ID Required to Vote

Ballot Initiative: [Initiative #27](#) (Constitutional amendment by voter petition)

Status: The Initiative passed; however, because it is subject to Section 5 of the Voting Rights Act, it can take effect only if and when preclearance approval by the Department of Justice or a federal district court is granted for H.B. 921, the enabling legislation described below.

Photo IDs Permitted

Prior to voting, a voter must provide “government issued photo identification.”⁹

Passed Legislation

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

Bill: [H.B. 921](#)

⁷*League of Women Voters v. Mark Ritchie*, Minnesota State Supreme Court (Filed: 5/30/2012).

⁸ *Id.*

⁹ 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.

Status: The law was passed; however, because the law is subject to Section 5 of the Voting Rights Act, it can take effect only if and when preclearance approval by the Department of Justice or a federal district court is granted. Mississippi submitted the law to the Department of Justice for preclearance on May 18, 2012.

Photo IDs Permitted¹⁰

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

¹⁰ 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.

Updated October 3, 2012

- 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.

Missouri

Passed Legislation

Photo ID Required to Vote

Bill: [S.J. Res. 2](#)

Status: Passed by Legislature. However, a Missouri state court has issued a decision vacating the language of the official summary statement for the proposed constitutional amendment, and the Legislature did not appeal. This resolution cannot be placed on the November ballot.

A proposed state constitutional amendment that authorizes the state legislature to require valid government-issued photo ID when voting in person, subject to exemptions the legislature may provide by general law (acceptable forms of ID not specified).

Proof of Citizenship Required to Vote

Bill: [S.J. Res. 2](#) (see also above)

Status: Passed by Legislature. However, a Missouri state court has issued a decision vacating the language of the official summary statement for the proposed constitutional amendment, and the Legislature did not appeal. This resolution cannot be placed on the November ballot.

A proposed state constitutional amendment that authorizes the state legislature to require an individual to verify his or her qualifications as a U.S. citizen when voting in person.

New Hampshire

Passed Legislation

Voter ID Requested to Vote

Bill: [S.B. 289](#)

Status: The law was passed on June 27, 2012, after the legislature overrode a gubernatorial veto. The law went into effect on September 5, 2012, when the Department of Justice granted

preclearance under Section 5 of the Voting Rights Act. However, before November 1, 2012, a voter who does not present the requisite photo ID will be informed of the new law and permitted to vote without executing a challenged voter affidavit.

Photo IDs Permitted

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

- A driver's license issued by the state of New Hampshire or any other state, regardless of expiration date;
- An identification card issued by the director of motor vehicles;
- A United States armed services identification card;
- A United States passport, regardless of expiration date;
- Any other valid photo identification issued by federal, state, county, or municipal government;
- A valid student identification card;
- 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.¹¹

As of September 1, 2013, a voter must provide one of the following valid forms of photo ID:

- A driver's license issued by any state or the federal government
- A non-driver's identification card issued by the motor vehicles division, department, agency or office of any state
- A United States armed services identification card
- A United States Passport

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.¹²

Affidavit Alternative

There is a challenged voter affidavit that can be filled out and submitted in lieu of presenting photo identification. If the voter submits an affidavit, 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 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

¹¹ 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.

¹² 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.

Updated October 3, 2012

address, and instruct the person to return the letter within 90 days which 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.

As of September 1, 2013, a voter seeking to vote by challenged voter affidavit will be photographed at the polls. If the voter objects to the photograph requirement because of religious beliefs, he or she may execute an affidavit of religious exemption.

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.

New Jersey

Pending Legislation

Photo ID Required to Vote

Bill: [A.B. 674](#) (companion bill to S.B. 200)

Status: Referred to committee; pending.

Requires photo ID to vote beginning with the first election held after January 1, 2012, with an exception for voters who have a religious objection and provide a satisfactory affidavit establishing it. Voters who do not display acceptable ID and do not fit within the exception must vote a provisional ballot, and may be subject to challenge.

New York

Pending Legislation

Photo ID Requested to Vote

Bill: [A.B. 9041](#)

Status: Referred to committee; pending.

Requires specified forms of government-issued photo ID to vote. A voter who lacks such ID can cast an affidavit ballot. The new ID requirements do not apply to voters who register to vote by mail and submit certain forms of identification at that time, including forms of non-photo ID.

Bill: [A.B. 6867](#)

Status: Referred to committee; pending (carried over from 2011).

Requires government-issued photo ID to vote. A voter who lacks such ID may vote an affidavit ballot. The new ID requirements do not apply to voters who register to vote by mail and submit certain forms of identification at that time, including forms of non-photo ID.

Ohio

Passed Legislation

Restrictions on Early Voting

Bill: [H.B. 194](#)

Status: Passed but subsequently repealed by the legislature.

Previous Early Voting Period:

Began in-person absentee voting thirty-five days prior to Election Day.

New Early Voting Period:

Begins in-person absentee voting seventeen days before Election Day, and ends at 6 PM on the last Friday before Election Day.

Hours:

- 8 AM through 6 PM on Monday through Friday
- 8 AM through 12 PM on Saturday

Bill: [H.B. 224](#)

Status: The law was passed but is not currently in effect. On August 31, 2012, a federal court enjoined the law and restored the last weekend of early in-person voting before Election Day.¹³ That ruling has been appealed.

Previous Early Voting Period:

¹³ *Obama for America v. Husted*, U.S. District Court, Southern District of [Ohio](#) (Filed June 17, 2012).

Updated October 3, 2012

Began in-person absentee voting thirty-five days prior to Election Day.

New Early Voting Period:

Begins in-person absentee voting thirty-five days before Election Day, and ends at 6 PM on the last Friday before Election Day for all but uniformed and overseas absentee voters.

Hours:

- 8 AM through 6 PM on Monday through Friday
- 8 AM through 12 PM on Saturday

Restrictions on Registration (Regulation of the Individual)

Bill: [H.B. 194](#)

Status: Passed but subsequently repealed by the legislature.

Eliminates existing duty by poll workers to inform voters of the correct voting precinct.

Pennsylvania

Passed Legislation

Photo ID Required to Vote

Bill: [H.B. 934](#)

Status: The law was passed with an effective date of March 14, 2012, but it was challenged in Pennsylvania state court¹⁴ 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.

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;

¹⁴ *Applewhite et al. v. Commonwealth of Pennsylvania, et al.* Commonwealth Court of Pennsylvania (Filed May 1, 2012).

- 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.

Rhode Island

Passed Legislation

Photo ID Requested to Vote

Bill: [S.B. 0400A](#) (companion to H.B. 5680)

Status: The law was passed on July 2, 2011. Certain provisions took effect on Jan. 1, 2012 while others become effective on 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”¹⁵:

- 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.

¹⁵ The language, “without limitation,” suggests that any current photo identification that includes the name and photograph of the voter will be accepted.

South Carolina

Passed Legislation

Photo ID Required to Vote

Bill: [H. 3003](#)

Status: The law was passed but is not currently in effect. Because the law is subject to Section 5 of the Voting Rights Act, it required preclearance approval by the Department of Justice or a federal district court. While the Department of Justice initially denied preclearance, on October 10th, 2012, the United States District Court for the District of Columbia precleared South Carolina's voter ID law, but blocked it from going into effect until after the November 2012 election. For future elections, the court clarified aspects of the law so that it does not actually require a photo ID to vote. Instead, South Carolinians can continue to use their non-photo voter registration card after 2012, so long as the voter completes the “reasonable impediment” affidavit described below. That affidavit must be accepted by State officials, unless the reason listed is untrue.

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 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.

Early/Absentee Voting ID Requirements

The photo ID law does not apply to absentee voting. Under preexisting South Carolina law, to vote absentee, a voter must have a witness attest to his or her signature.

Free IDs

Updated October 3, 2012

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.

South Dakota

Passed Legislation

Restrictions on Voters with Past Criminal Convictions

Bill: [H.B. 1247](#)

Status: Signed into law; effective July 1, 2012.

Impact on voters: Denies voting rights to persons with criminal convictions who are on probation, compounding existing requirements that any term of incarceration or parole be completed before the state will restore their voting rights.

Tennessee

Passed Legislation

Photo ID Required to Vote

Bill: [S.B. 16](#)

Status: Signed into law; effective January 1, 2012.

Photo IDs Permitted

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

- Tennessee driver’s license;
- Valid photo ID issued by Tennessee, any other state government, or 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., provided that such ID contains a photograph; or
- Valid U.S. military photo ID that contains a photograph;

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

No provision to make free IDs available is specified by the statute.

Public Education Requirements

No public education requirements are specified by statute.

Proof of Citizenship Required to Register to Vote

Bill: [S.B. 352](#)

Status: Signed into law; effective January 1, 2012.

Proof of Citizenship Permitted

Proof of citizenship includes:

- Birth certificate, or legible photocopy thereof;
- U.S. passport or legible photocopy of the pertinent pages of the passport, identifying the voter and showing the passport number;
- U.S. naturalization documentation, or a legible photocopy thereof;
- Other documents or methods of proof of citizenship that are established pursuant to the federal Immigration Reform and Control Act of 1986; or
- Bureau of Indian Affairs card number, tribal treaty card number or tribal enrollment number.

Applicability

The proof of citizenship requirement only applies to registrants who have been found by the coordinator of elections to not be U.S. citizens, following a comparison of the statewide voter registration database with the Department of Safety database, relevant federal and state agencies, and county records. If evidence exists that a particular registered voter is not a U.S. citizen, the coordinator must notify the county election commission where the person registered, who must then request documentary proof of citizenship of the individual as listed above. If the voter does not provide such proof of citizenship within 30 days, the county election administrator shall purge the voter from the voter registration database. The voter may appeal to the State Election Commission and submit additional proof of citizenship in person or in writing, and the State Election Commission shall conduct a hearing and make a determination of the voter's citizenship status.

Affidavit Alternative

There is no affidavit alternative specified by the statute.

Free Proof of Citizenship

There is no language in the statute that enables applicants to obtain the required documentary proof of citizenship for free.

Public Education Requirement

No public education requirements are specified by the statute.

Restrictions on Early Voting

Bill: [S.B. 923](#) (companion to H.B. 708)

Status: Signed into law.

Effective Date: Upon Governor's signature (June 1, 2011).

Previous Early Voting Period:

Updated October 3, 2012

Began no more than twenty days before Election Day and ended no less than five days before Election Day (a period of approximately fifteen days). Presidential preference primaries not specified in old law.¹⁶

New Early Voting Period:

Begins no more than twenty days before Election Day of a presidential preference primary and ends no less than seven days before Election Day of a presidential preference primary (a period of approximately thirteen days).

Hours:

There is no new language set forth in the law regarding hours.

Bill: [S.B. 922](#) (companion to H.B. 709)¹⁷

Status: Signed into law.¹⁸

Effective Date: Upon Governor's signature (April 25, 2011)

Previous Early Voting Period:

Began ten days before a municipal Election Day and ended five days before Election Day (a period of approximately five days).

New Early Voting Period:

Eliminates early voting period for municipal elections not held in conjunction with any primary election or the regular August or November general elections, or any special primary or special general election for state or federal offices, if there is no opposition, including write-in candidates (no early voting period, subject to exceptions). This does not apply to municipal elections held in the largest municipality located in a county having a metropolitan form of government with a population greater than 500,000 as of the 2000 census.

Hours:

There is no new language set forth in the law regarding hours.

Texas

Passed Legislation

Photo ID Required to Vote

¹⁶ The lack of specificity in the old law suggests it applied to both primary and general elections. Tenn. Code Ann. § 2-6-10(a)(1)(1994).

¹⁷ S.B. 922, 107th Gen. Assem., 2011 Reg. Sess. (Tenn. 2011), <http://state.tn.us/sos/acts/107/pub/pc0115.pdf>.

¹⁸ *Bill Information for SB 0992*, Tenn. Gen. Assemb., <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0922> (last visited July 12, 2011).

Bill: [S.B. 14](#)

Status: The law was passed but is not currently in effect. Because the law is subject to Section 5 of the Voting Rights Act, it requires preclearance approval by the Department of Justice or a federal district court. The Department of Justice has denied preclearance approval, and Texas sued for preclearance in federal court.¹⁹ On August 30, 2012, federal court preclearance was denied on the ground that Texas had failed to meet its burden of showing that the law would not have a discriminatory effect on minority voters.

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.

¹⁹ *Texas v. Holder*, U.S. District Court for the District of Columbia (Filed January 24, 2012).

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.

Restrictions on Voter Registration (Regulation of Third Parties)

Bill: [H.B. 1570](#)

Status: The law went into effect when the Department of Justice granted preclearance under Section 5 of the Voting Rights Act on September 15, 2011. The secretary of state adopted training standards under this section, effective March 12, 2012.

Restrictions on Voter Registration:

Current Texas law requires that an individual be appointed as a "deputy registrar" before registering others to vote. The new law forbids any deputy registrar from assisting in the registration of voters or receiving another's registration application until he or she has completed a training program required under the law. The law also permits an "exam" at the end of this training.

Punishment for Offense of the Law:

No punishment specified in this law.

Bill: [H.B. 2194](#)

Status: The law was passed, and all sections of the law were precleared by the Department of Justice as of March 6, 2012. On August 2, 2012, a federal district court preliminarily blocked several of the law's key provisions, but that decision was stayed pending appeal.²⁰

Restrictions on Voter Registration:

²⁰ [Voting for America, Project Vote et al v. Andrade et al.](#), United States District Court, Southern District of Texas (Filed March 15, 2012)

Law requires that all deputy registrars must be Texas residents and qualified voters, although they need not be registered voters.

Under the law a person commits an offense of the law if they condition compensation or employment on the number of voter registrations the person successfully facilitates, sets a quota of voter registrations to facilitate as a condition of compensation or employment, or engages in activity that causes another person's compensation or employment status to be dependent on the number of voter registrations facilitated. Anyone who accepts compensation for quota-based registration as described above also commits an offense of the law.

Punishment for Offense of the Law:

Makes it a Class A misdemeanor to give or accept compensation based on the number of individuals that a person registers to vote. Any officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.

Virginia

Passed Legislation

Voter ID Required to Vote

Bill: [S.B. 1](#)

Status: The law is currently in effect. It was granted preclearance by the Department of Justice on August 20, 2012.

Voter IDs Permitted

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

- Commonwealth of Virginia voter registration card;
- Social security card;
- 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.
- 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; or
- or a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter.

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.

Early/Absentee Voting ID Requirements

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

Public Education Requirements

No public education requirements are specified by statute. However, the State Board of Elections is directed to conduct a voter outreach campaign by [Executive Order No. 45](#) concerning the law's implementation.

Pending Legislation

Photo ID Required to Vote

Bill: [H.B. 1084](#)

Status: Left in Committee.

Requires specified forms of government-issued photo ID at the polls. The bill eliminates the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification and provides instead for the voter to cast a provisional ballot if he cannot show identification.

Bill: [H.B. 569](#)

Status: Left in Committee.

Requires photo ID to vote in person. Requires posting of notice of legally required voting qualifications and penalties for violations in at least two languages at all polling places. Persons failing to provide proof of identification will be allowed to vote a provisional ballot.

Bill: [H.B. 828](#)

Status: Left in Committee.

Amends current voter ID provision to require government-issued photo ID to vote in person or absentee. A person who lacks the requisite ID can still sign a statement that he is the named registered voter and vote a regular ballot in person, but an absentee voter who does not provide the requisite ID must vote a provisional ballot.

Photo ID Required to Register to Vote

Bill: [H.B. 895](#)

Status: Left in Committee.

Requires government-issued photo ID to register to vote.

Proof of Citizenship Required to Register to Vote

Bill: [H.B. 569](#) (see also above)

Status: Left in Committee.

Updated October 3, 2012

Requires applicants to submit proof of citizenship with registration applications. Provides that any person who is registered in Virginia as of January 1, 2012, is deemed to have provided satisfactory proof of citizenship and is not required to submit proof of citizenship.

Bill: [H.B. 828](#) (see also above)

Status: Left in Committee.

Requires applicants to submit specified proof of citizenship with registration applications. Provides that any person who is registered in Virginia as of January 1, 2013, is deemed to have provided satisfactory proof of citizenship and is not required to submit proof of citizenship.

Bill: [H.B. 895](#) (see also above)

Status: Left in Committee.

Requires proof of citizenship and residency to register to vote.

West Virginia

Passed Legislation

Restrictions on Early Voting

Bill: [S.B. 581](#)

Status: Signed into law; effective March 12, 2011

Previous Early Voting Period:

Began twenty days before Election Day and ended three days before Election Day (a period of approximately seventeen days).

New Early Voting Period:

Begins thirteen days before Election Day and ends three days before Election Day (a period of approximately ten days).

Hours:

There is no new language set forth in the law regarding hours.

Wisconsin

Passed Legislation

Photo ID Required to Vote

Bill: [A.B. 7](#) (companion to S.B. 6)²¹

Status: The law was passed but is not currently in effect. Two Wisconsin state courts have issued permanent injunctions barring enforcement of the law, and those rulings have been certified to the Court of Appeals.²² The law cannot go into effect unless the Court of Appeals acts to reverse both rulings. In addition, two challenges to the law are pending in federal court.²³

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.

²¹ *Assembly Bill 7: History*, Wis. Leg. Data, <https://docs.legis.wisconsin.gov/2011/proposals/ab7> (last visited July 12, 2011).

²² 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)

²³ 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).

- 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.

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

Updated October 3, 2012

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.

Restrictions on Voter Registration (Regulation of the Individual)

Bill: [A.B. 7](#) (see also above)

Status: Signed into law; effective June 10, 2011.

Requires registrants to be residents of the state for twenty-eight consecutive days before an election (an increase from the previous 10 day requirement); such persons may not apply to register to vote earlier than the twenty-seventh consecutive day of their residence. Any person who is otherwise qualified to vote, except that he or she has been a resident of this state for less than twenty-eight consecutive days prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices. Also moves up deadline for late registrants to register to Friday before an election (from previous deadline of the day before the election).