

LAWS AGAINST VOTING: State Statutes that Restrict Participation in 2012

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Since the 2008 presidential election, which saw a surge in participation from historically underrepresented low-income and minority citizens, partisan interests have fought to change the political landscape by changing election laws.ⁱ Restricting or limiting access to the polls has long been a common political strategy in American democracy; over the past few years we have once again seen a war on voting carried out through legislation, with state after state passing laws that may have a significant impact on voter turnout in 2012.

Voter suppression methods come in a variety of forms, and are often deeply rooted in political issues. In the past few years we have seen an increase in administrative and financial burdens on voter registration drives, which will make it harder for new voters to get on the rolls in 2012. We have seen lawmakers pass excessive and onerous proof-of-citizenship requirements, enacted in the heat of the anti-immigration debate, which will make it harder for eligible Americans to register. And, most notably, we have seen the widespread passage of strict photo ID laws—a requirement that has a disproportionate impact on underprivileged citizens. Finally, there are the draconian state laws that strip rehabilitated felons of their voting rights, which could force at least four million Americans to sit out this election.ⁱⁱ

Outmoded, excessively bureaucratic, and often politically motivated, these measures make it harder to vote in America today than at any time in recent decades.

This memo outlines the existing state laws that could impede or block the votes of American citizens in the 2012 election, including the following issues:

- **Restrictions at Registration**
 - Voter Registration Drives
 - Proof of Citizenship
- **Restrictions at the Voting Booth**
 - Voter ID
 - Disenfranchisement for Felony Convictions

Voters may use this memo as a guide on what to look out for when registering or voting in their state; reporters may use it to understand the breadth of voter suppression laws that affect voters in 2012; and advocates may use it to determine how to plan voter mobilization efforts and monitor potential problems at the polls. This memo offers a current history on the policies that affect eligible voters' access to the ballot; a description of each policy and how they affect voter access; and detailed, state-by-state policy charts.

Disclaimer: The information contained in this document is for general guidance only. This is not a current or comprehensive collection of state policies, as recently-enacted laws face legal challenges and new laws are proposed in state legislatures. It is not a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

Restrictions at Registration

Although voter ID laws have dominated the national discussion on voting rights issues, the widespread effort to block the vote starts much earlier in the democratic process. The first step for every individual is registering to vote,ⁱ and unfortunately the voter registration process is just as entrenched in partisan politics. In several states, any effort to bring eligible Americans into the franchise is now subject to excessive regulations, which are already hindering—and in some cases, shutting down—community-based voter registration drives. Like most voter suppression laws, these restrictions will disproportionately affect low-income and minority communities, who particularly rely on such efforts to become registered voters.

Voter Registration Drives

Excessively onerous regulation of voter registration activities can significantly limit or even halt community-based voter registration drives, blocking the citizens who rely on these drives from getting on the voter rolls.

The impact of these restrictive laws is already evident this election cycle. Until June 2012, national groups like the League of Women Voters and Rock the Vote had discontinued voter registration activity in Florida due to that state's excessive regulations, particularly unreasonable fines and deadlines.ⁱⁱⁱ

Florida's law has been scrutinized by voting rights groups, including Project Vote, as well as by the Justice Department for its impact on citizens' access to voter registration, particularly citizens of color who are twice as likely to rely on voter registration drives to register to vote than White Floridians.^{iv} Five counties—Collier, Hardee, Hendry, Hillsborough, and Monroe—are required under Section 5 of the Voting Rights Act to obtain preclearance of any voting changes by demonstrating that such changes do not deny or reduce the voting rights of racial minorities in those counties. The Department of Justice typically reviews the laws in question and grants or denies preclearance. However, Florida filed a lawsuit against the Justice Department in the federal district court in Washington, DC to gain approval of the law. On May 31, in a different lawsuit, Tallahassee federal judge Robert Hinkle blocked some of Florida's voter registration restrictions, including the 48-hour turnaround period and requirement that volunteers sign a form before helping others register to vote. Hinkle's preliminary injunction is not the final ruling on the restrictive voting law, but led the League of Women Voters and Rock the Vote to resume their voter registration work in Florida.^v

In Texas, both Voting for America, an affiliate of Project Vote, and Project Vote filed suit against the state of Texas to challenge its election code that similarly impedes community-based voter registration drives.^{vi} The group sought a preliminary injunction to block portions of the law that have a chilling effect on voter registration activity, in violation of the National Voter Registration Act and the U.S. Constitution.

On June 11 and 12, Project Vote Executive Director Michael Slater testified against the law in a federal court hearing, stating that the law imposes excessive criminal penalties for minor errors and training requirements.^{vii} Former Texas governor, Mark White, also testified against the state's restrictions on voter registration drives, which he said are unnecessary and burdensome.^{viii}

On August 2, U.S. District Court Judge Gregg Costa agreed and granted a partial preliminary injunction, effectively blocking some of the state's most prohibitive rules until a final ruling can be reached.

ⁱ Registration is necessary in all states except North Dakota, which does not require registration to vote.

The following table and descriptions outline the types of restrictive provisions that have the capacity to hinder or halt voter registration activity. Many states fall under multiple categories.

RESTRICTIONS AT REGISTRATION		Voter Registration Drives
AK	Transmittal Period	§ 15.07.100: Requires that applications be transmitted within five days of completion.
	Deputization	§ 15.07.100: Requires volunteers to become registrars in order to assist with voter registration. Registrars must meet training requirements and are subject to periodic review.
CA	Registration & Disclosure	2 CCR § 20001: Requires organizations requesting more than 50 registration cards to file a distribution plan.
	Application Limit	2 CCR § 20001: Requires organizations requesting more than 50 registration cards to file a distribution plan.
	Transmittal Period	§ 2138, § 2139: Requires the organization to return completed applications within three days—excluding weekends and state holidays— of receipt from the voter. On the day of the close of registration, all completed and unused affidavits must be returned.
	Payment	§ 2159.5: Requires organizations compensating volunteers to maintain detailed records, and to make the records available to election officials. Failure to comply is punishable by a fine of up to \$1000.
CO	Registration & Disclosure	§ 1-2-701, § 1-2-703: Requires organizations to file a statement of intent with the secretary of state. Failure to do so is punishable by a fine of up to \$500.
	Training	§ 1-2-701, § 1-2-703: Requires organizations to fulfill the training requirements promulgated by the secretary of state. Failure to do so is punishable by a fine of up to \$500.
	Payment	§ 1-2-702, § 1-2-703: Prohibits organizations from compensating workers based on the number of applications distributed or collected. Violations are punishable by a fine of up to \$1000.
DE	Registration & Disclosure	§ 1102, § 2060: Requires that organizations register with the secretary of state. Requires that organizations apply to the election commissioner to conduct a voter registration drive no later than 30 days prior to the start of registration activities.
	Training	§ 2061: Individuals responsible for planning and conducting voter registration drives must be trained as a temporary registrar.
	Transmittal Period	§ 1102, § 2063: Requires that organizations submit applications within 10 days of completion. Requires that organizations conducting ongoing registration activities submit completed, damaged and voided applications once every five working days. All completed, unused, damaged, and voided applications must be submitted within five days of the end of the drive, and prior to the close of registration. Failure to comply may result in a fine of up to \$1000 and denial of eligibility to conduct a drive for up to five years.
	Deputization	§ 2061: Individuals operating a voter registration drive must fulfill training requirements to be designated temporary registrars for the duration of that drive.
FL*	Registration & Disclosure	§ 97.0575: Requires organizations to register before conducting any activities. The division of elections also requires organizations to file records of quarterly registration activities (Form DS-DE 123).
	Application Limit	§ 97.052(1)(b): Charges 1 cent per form for orders of 10,000 or more application forms.
	Transmittal Period	NOTE: On May 31, 2012 a federal judge issued a preliminary injunction to stop the 48 hour turnaround period. § 97.0575: Requires completed forms to be submitted within 48 hours. Failure to comply results in a fine of \$50 per application delivered after the 48 hour period; \$100 per application received after the close of registration; and \$500 per application that is never delivered.
	Payment	§ 104.012: Prohibits organizations from compensating workers based on the number of registrations obtained. Violation of this provision is a felony of the third-degree.

RESTRICTIONS AT REGISTRATION

Voter Registration Drives

IL	Training	§ 5-16.2, 5/4-6.2: Requires appointed deputy registrars to fulfill training requirements.
	Transmittal Period	§ 5-16.2, 5/4-6.2: Requires deputy registrars to submit applications by first-class mail within two days, or in person within seven days of receipt. If applications are completed between the 35th and 28th day before the election, deputy registrars must submit the applications within 48 hours.
	Deputization	§ 5-16.2, 5/4-6.2: Requires volunteers submit a written request to the county clerk to be appointed deputy registrars in order to register voters.
IO	Payment	§ 48A.25: Volunteers may only be compensated for the time spent on assistance. Compensation based on other performance criteria is unlawful.
KS	Application Limit	Individuals may request up to 25 forms free of charge by contacting the Secretary of State or county election office. A written request must be made to receive a larger supply. (Secretary of State Web site: http://www.crawfordcountykansas.org/cco.nsf/str/Clerk/\$file/Guide%20for%20Voter%20Registration%20Drives.pdf)
	Transmittal Period	Applications must be mailed, delivered or faxed to the county or state election office within two days of receipt or by the registration deadline before the election, whichever comes first.. (Secretary of State Web site: http://www.crawfordcountykansas.org/cco.nsf/str/Clerk/\$file/Guide%20for%20Voter%20Registration%20Drives.pdf)
KY	Registration & Disclosure	§ 116.045: Requires that organizations act under the supervision and direction of the county clerk.
ME	Transmittal Period	§ 121 (1-A): Requires organizations to submit applications within five days of receipt. All applications must be received by the registrar's office by the close of business on the 21st day before Election Day in order to be processed.
MD	Prohibition of Copying	§ 3-205: Prohibits voter registration drives from copying or collecting voter registrants' information, including driver's license or state ID number, Social Security number, or other information that is protected from public disclosure.
	Deputization	§ 3-205: Individuals who are at least 18 years old may seek "authorization" from the state or local board to assist in voter registration activities.
	Payment	§ 3-205: Authorized voter registration distributors may not be paid on a per-registrant basis.
MN	Payment	§ 201.054: Volunteers may not be compensated or denied compensation based on the number of registrations solicited, collected or accepted. Violation of this provision is a misdemeanor.
NE	Training	§ 32-305: Applicants must be trained to become a deputy registrar, and must attend one training session every three years unless the secretary of state requires additional training.
	Transmittal Period	§ 32-306: Deputy registrars must return completed applications no later than the end of the following business day.
	Deputization	§ 32-305, § 32-306, § 32-311.01: Registered voters may apply to the secretary of state to become deputy registrars for the purposes of voter registration. The process includes training requirements and adherence to an oath. Deputy registrars must work in teams of at least two, with one deputy registrar from each party. Voter applicants may submit their registration forms through personal messengers or agents.
NV	Registration & Disclosure	§ 293.5235: A person who assists an applicant in completing a voter registration form must include his/her mailing address and signature on that form.
	Application Limit	§ 293.5235: Applications must be submitted within 10 days after completion.
	Transmittal Period	§ 293.805: Prohibits compensation based on the total number of persons registered, or total number of persons registered in a particular party.
	Payment	§ 293.805: Prohibits compensation based on the total number of persons registered, or total number of persons registered in a particular party.

RESTRICTIONS AT REGISTRATION

Voter Registration Drives

NM	Registration & Disclosure	§ 1-4-49: Requires community organizations to register with the secretary of state and provide name and address information for the organization, each registration agent, and a sworn statement from each registration agent that he/she will obey the law.
	Training	Third party registration agents must complete a training course. (http://www.sos.state.nm.us/pdf/VoterRegistrationAgentManual.pdf)
	Application Limit	Community-based registration agents must pick up forms in-person from the county clerk's office of the secretary of state's office. Initially, they will be given a packet of 20 applications, however more can be requested at any time. (Secretary of State Web site: http://www.sos.state.nm.us/pdf/VoterRegistrationAgentManual.pdf)
	Transmittal Period	§ 1-4-49: Applications must be transmitted within 48 hours, or the next business day if the office is closed for the 48-hour period.
OH	Registration & Disclosure	§ 3503.29: Requires anyone being compensated or expecting compensation for registering voters to register with the secretary of state.
	Training	§ 3503.29: Requires anyone being compensated or expecting compensation for registering voters to complete a training program.
OR	Application Limit	§ 247.176: Requests for registration cards from the secretary of state are limited to an aggregate total of 5,000.
	Transmittal Period	§ 247.012: Applications must be submitted within five days of receipt.
SD	Transmittal Period	§ 12-4-3.2: Applications must be filed within 10 days of completion. Violations are a Class 2 misdemeanor.
	Payment	§ 12-4-52: Prohibits compensation based on the number of voters registered. Violation by payment or receipt of compensation of this type is a misdemeanor.
TX	Training	§ 13.047: Volunteer deputy registrars must meet training standards and pass an examination.
	Transmittal Period	§ 13.042: Applications must be delivered in person within five days of receipt. Failure to do so is a misdemeanor.
	Deputization	§ 13.031: Volunteer deputy registrars who meet the voter eligibility requirements themselves may be appointed by the registrar and complete training before they can distribute and receive voter registration applications.
	Payment	§ 13.008: Prohibits compensation on a per-registration and quota basis. Violation is a misdemeanor.
VA	Transmittal Period	§ 24.2-1002.01: Applications must be submitted within 15 days of the signature to be considered timely.
WA	Transmittal Period	29A.08.115: Applications must be transmitted within five business days.
WV	Application Limit	Only 200 voter registration applications will be distributed at a time. When requesting 10 or more applications, information regarding the registration drive must be submitted along with the request. (Secretary of State Web site: http://www.sos.wv.gov/elections/Pages/Voter_Registration_FAQ.aspx)
WI	Training	§ 6.26: To become a special registration deputy you must fulfill training requirements.
	Prohibition of Copying	GAB 3.20: Registration drives may not retain a copy of the applicant's date of birth, driver's license number, department of transportation identification number, or last four digits of the Social Security number.
	Deputization	§ 6.26, GAB 3.20: Volunteers may become special registration deputies if they are eligible voters in the state of Wisconsin and complete appropriate training. Becoming a deputy is not required to conduct voter registration drives, but if a drive is conducted without the assistance of special registration deputies, the organization must collect and forward a copy of any first-time voter registrant's proof of residency with their registration application
	Payment	GAB 3.20: Prohibits compensation based on the number of registrations collected.

Registration and Disclosure Requirements

At least eight states (CA, CO, DE, FL, KY, NV, NM, and OH) require individuals or organizations to register with the state before they begin helping others to register to vote.

Typically, organizations must provide the state with identifying information, such as the name and address of the organization and its volunteers and employees. Some states require organizations to disclose their specific plans for registration activities, while others assign identifying numbers to organizations when they register with the state. The identifying numbers would appear on any voter registration application collected by the organization.

Training Requirements

At least eight states (CO, DE, IL, NE, NM, OH, TX, and WI) require organizations to participate in state-provided training before conducting voter registration activities. This requirement may be imposed on just the organizer of the registration drive, or it may be imposed on all volunteers and employees who will be involved in the registration drive.

While a training requirement is not unreasonable per se, some more restrictive requirements make it difficult for organizations to comply. For example, to require each individual canvasser to undergo training provided directly by an election official is often a difficult requirement for organizers of community voter registration drives to meet, particularly if the state limits the frequency and availability of such trainings.

Limitations and Restrictions on Quantity of Voter Registration Applications

At least seven states (CA, FL, KS, NV, NM, OR, and WV) place arbitrary limits on the quantity of applications registration drives can obtain at any one time. For example, at least one state limits the number of applications to 50 at a time, and another to 200. These limitations clearly reduce the effectiveness of large-scale registration drives in which 200 applications or more may be completed each day throughout the state. Placing limitations on the number of applications also runs counter to the National Voter Registration Act of 1995 (NVRA), which mandates that registration forms must be freely available to facilitate organized voter registration drives.

Prohibitions on Copying or Recording

At least two states, Wisconsin and Maryland, have laws on the books that prohibit voter registration organizations from copying or recording voter registration records, but they are not the only states that impose these restrictions. For example, Georgia, Texas, and Virginia have all prohibited Project Vote from copying or reviewing voter registration records in the recent past.² Concern for privacy is the justification most often cited for restrictions on copying registration records. However, there are other problems that arise from copying prohibitions.

First, as part of their efforts to increase voter turnout, many voter registration organizations also contact the people that they helped register in order to encourage them to vote. Preventing organizations from developing such lists and therefore impeding their ability to contact voters with a message about voting interferes with their First Amendment rights to core political speech and association.

Making copies of voter registration records is also a necessary component of the quality control

² A June 15, 2012 ruling in *Project Vote v. Long* opened Virginia's voter registration records to the public. Virginia is now required to make the voter registration process transparent, permitting copying and reviewing of voter registration records with Social Security numbers redacted.

process for many organizations, allowing them to review the work of canvassers and address any concerns with the applications that they submit. This enables organizations to identify problems in the voter registration process early and to work with election officials to resolve them.

Finally, maintaining records allows organizations to verify that the individuals they help are, in fact, being registered to vote and appear on the list of registered voters. In the past, such efforts have been used to identify eligible registrants who have been wrongfully removed or excluded from the voter rolls.

Privacy concerns are valid, but these can be addressed through less restrictive means, such as requiring voter registration organizations to cover confidential information, such as driver's license or social security numbers, before copying the applications.

Transmittal Periods

Several states set a period of time in which completed applications must be transmitted to elections officials (AK, CA, DE, FL, IL, KS, ME, NE, NV, NM, OR, SD, TX, VA, and WA). The NVRA suggests that states implement a 10-day turnaround period; however some states have imposed extremely short transmittal deadlines—one business day in one state, 48 hours in another—and excessive criminal penalties and/or fines for noncompliance.

For example, a religious congregation that conducts voter registration activities once a week, or even once per month, may not be able to meet a 48-hour deadline. Short deadlines have also been known to stop the voter registration activity of groups like the League of Women Voters and Rock the Vote, which may collect hundreds of thousands of applications that they are unable to review for completeness and verify for authenticity before being submitted to election officials before the deadline.

Deputization

Seven states (AK, DE, IL, MD, NE, TX, and WI) require individuals to become agents of the state, such as deputy or temporary registrars, before they can assist others in completing voter registration applications.

“Deputization” is rarely a stand-alone requirement as it is often connected to other regulatory provisions, such as registration and training requirements for voter registration organizations. These requirements commonly dictate who can become deputy registrars and how they must conduct their voter registration drives.

Restrictions on Payment

At least 11 states (CA, CO, FL, IA, MD, MN, NV, OH, SD, TX, and WI) have laws that prohibit paying voter registration drive employees on a per-application, or commission basis. Generally, these laws are reasonable measures to prevent any incentive for dishonest employees to submit fictitious applications. However, these laws can be interpreted so narrowly that they could prevent voter registration organizations that employ paid canvassers from setting reasonable performance standards, thus preventing organizations from utilizing paid canvassers and forcing them to rely on the good will of volunteers.

Proof-of-Citizenship

The anti-immigration movement that is sweeping the nation has affected voter registration as well. While a few states have proposed or passed laws to require citizens to carry citizenship documents in the event that they are questioned about their legal residence, about half a dozen states take this requirement to the voter rolls.

The most controversial citizenship policy requires voter applicants to submit documentary proof of citizenship with their registration application. These registration restrictions are almost always adopted in states with controversial anti-immigration laws or proposals: both Arizona and Georgia have adopted strict laws regulating immigration, and are the only two states that currently require proof-of-citizenship to register to vote. In April 2012, a federal appeals court ruled that Arizona can no longer require documentary proof of citizenship to accompany the federal voter registration form, which allows applicants to simply attest to citizenship status.^x Although Supreme Court Justice Anthony Kennedy ordered a temporary stay of the court's decision in mid-June, the full court ultimately rejected the state's request to implement the law while the appeal of the April 2012 decision is pending.^y

Alabama followed in Arizona and Georgia's footsteps with the passage of the controversial "Beason-Hammon Alabama Taxpayer and Citizen Protection Act of 2011" (HB 56), affecting both law enforcement in the state and voter registration.^{xi} In June, the United States Supreme Court reviewed Arizona's controversial anti-immigration law, SB 1070, which inspired Alabama's law. The court's decision left parts of SB 1070 intact, but struck down others, and kept the door open to challenges; this may affect implementation of both laws in the future.^{xii} Alabama's provision requiring proof-of-citizenship at registration is not currently being implemented.

Finally, Kansas' citizenship law—championed by Secretary of State Kris Kobach, who also authored Arizona's infamous immigration law—is supposed to go into effect in 2013. The state legislature and Kobach attempted to expedite implementation in time for the 2012 election through legislation, but the bills failed upon adjournment.^{xiii}

Proof of citizenship requirements are more commonly implemented after voters have been registered, during list maintenance procedures. The NVRA and Help America Act of 2002 (HAVA) require states to periodically remove voters who are deemed ineligible (due to death, felony conviction, mental incompetence, or change-of address) from the statewide official voter list without improperly removing eligible voters. The federal standards for implementing these regulations can be ignored or misinterpreted by state election officials, who may develop their own matching standards and procedures that can vary widely from state to state.

For example, Georgia's voter verification law was originally denied preclearance by the Department of Justice in 2009 for being inaccurate, unreliable, and discriminatory against people of color and naturalized citizens. Typographical errors and an outdated driver's license database were the main culprits for the faulty system, but the Justice Department also claimed that it created time-sensitive hurdles for voters to prove their eligibility and disproportionately affected Black, Latino, and Asian-American citizens. In June 2010, the state sued the Justice Department to grant preclearance for the citizen-checking procedure. Much to the dismay of voting rights advocates, the law was subsequently approved after the state changed the law to limit the citizenship-checking procedure to first-time

voter applicants.^{xiv} The law is currently in effect.

The following table and descriptions outline the states that impose additional requirements to verify citizenship to register or stay registered to vote.

RESTRICTIONS AT REGISTRATION		Proof of Citizenship
Arizona	At Registration	16-121.01: A driver's license issued after October 1, 1996 or a document of citizenship must be submitted with a voter registration application to be registered to vote (See the state voter registration form http://www.azsos.gov/election/forms/voterregistrationform.pdf). Note: The Ninth Circuit decision in <i>Gonzales v. Arizona</i> (April 2012) eliminates this requirement if using the federal voter registration application.
Georgia	At Registration	§ 21-2-216: After January 1, 2010, a voter registrant must provide satisfactory evidence of United States citizenship to register to vote. If the application is received without satisfactory evidence prior to the close of voter registration preceding an election, but the applicant provides satisfactory evidence on Election Day, the applicant is permitted to vote. However, first-time applicants who do not submit the required proof of identify in addition to proof of citizenship, and who do not respond to the election clerk's request for more information, will be rejected after 30 days.
	During Voter List Maintenance Process	§ 21-2-231: On a monthly basis, the election clerk must transmit to the secretary of state a list of people who identified themselves as being non-citizens for the purposes of jury duty.
Idaho	During Voter List Maintenance Process	34-419: The county clerk shall remove from the register of electors any elector who appears not to be a citizen, based on comparisons to the "Master Jury List" under Idaho Code 2-204 and 2-206. If the elector proves that he is a citizen, his registration will be reinstated.
Kansas	At Registration	After January 1, 2013, first-time voter registrants must provide satisfactory evidence of United States citizenship with their application. (The state legislature unsuccessfully attempted to move the enactment date to be effective before the November 2012 election.) (Secretary of State Web site: http://www.gotvoterid.com/proof-of-citizenship.html)
Tennessee	During Voter List Maintenance Process	§ 2-2-141: The list of registered voters will be compared with the department of safety database, and may be compared with other federal and state databases to determine whether any registered voters are noncitizens. Voters identified through this procedure are required to prove citizenship through use of qualifying identification.
Texas	During Voter List Maintenance Process	§ 18.068: The registrar shall conduct quarterly comparisons of the voter registration list with other state databases to determine if registered voters are ineligible, including a review for citizenship.
Virginia	During Voter List Maintenance Process	§ 24.2-410.1: Each month, the DMV must send the registrars a list of persons who listed themselves as non-citizens on applications for driver's and non-driver's licenses for the purpose of comparing to the voter registration lists.

Required at Registration

Federal and state voter registration forms already require voter applicants to affirm under penalty of perjury that the voter applicant is a citizen of the United States. Proof-of-citizenship laws additionally require applicants to provide citizenship documents with their registration forms to be registered to vote. Typically, these documents include a birth certificate, United States passport, naturalization documents, or any other government identification that indicates citizenship status.

Although four states have proof-of-citizenship laws on the books, only Arizona and Georgia are implementing their laws in advance of the 2012 presidential election.

In addition to their proven history of wrongfully disenfranchising eligible voters, proof-of-citizenship requirements also have a direct impact on community-based voter registration drive efforts. Potential applicants would be required to carry birth certificates or United States passports with them when going to shopping centers, places of worship, or school campuses in order to complete the application on the spot with the assistance of a voter registration drive.

Requested During List Maintenance

In the heat of anti-immigration debates, at least five states (GA, ID, TN, TX, and VA) have adopted list maintenance procedures to weed out alleged noncitizens from voter rolls. Typically, election officials in these states identify voters that they believe are noncitizens and track the voter down to request documentary proof of citizenship before allowing them to vote again.

These overzealous measures are particularly likely to lead to the wrongful disenfranchisement of law-abiding citizens, due to inevitable issues with typographical errors and outdated government databases. Florida's 2012 "non-citizen" purge is the latest example of this. The list the state is using to demand proof of citizenship is so error-ridden that most county election officials have refused to use it. Civil and voting rights groups, including Project Vote, as well as the Department of Justice, are currently challenging the purge effort.

Restrictions at the Voting Booth

Lawmakers, advocates, and voters have been sparring over laws that essentially block the votes of otherwise eligible citizens on Election Day. The most contentious method of obstructing access to the ballot is through legislation to require citizens to obtain and present government-issued photo ID that reflects current name and address in order to vote. Another method of making it harder to vote is by disenfranchising citizens with past felony convictions, effectively forcing Americans who have paid their debt to society to keep on paying.

Voter ID^{xv}

A number of states have created laws to impose stricter voter verification requirements. The most onerous of these policies requires every voter to present current, valid government-issued photo ID to cast a regular ballot. Supporters of these laws claim that voter ID is necessary to combat voter impersonation fraud. However, opponents maintain that these measures come at a high price for little return: voter ID laws protect against a practically nonexistent crime, but cost budget-strapped states millions to implement while disenfranchising the 11 percent of Americans who do not possess valid ID, including many seniors, racial minorities, youth, low-income people, and transgendered people.^{xvi}

Nine states have strict photo ID laws on the books, but only five are effective as of summer 2012. Laws in Texas, Mississippi, South Carolina, and Wisconsin are all facing legal challenges and may not be implemented in time for the November election.

Pennsylvania, which implemented a "soft-rollout" of its newly enacted law during the 2012 primary election, is also being challenged over its voter ID requirement. On May 1, the ACLU, NAACP, and other groups filed a lawsuit on behalf of several voters. The suit says the law "severely burdens the rights of qualified voters" who have to go through the trouble and expense to obtain a birth certificate that is required to get a non-driver's ID in order to participate in the democratic process.^{xvii}

Voters approved Mississippi’s law in November 2011, and lawmakers adopted implementing legislation in April 2012. The law is now under review by the Justice Department to ensure it complies with the Voting Rights Act before going into effect. In August, Pennsylvania Commonwealth Court Judge Robert Simpson ruled to keep the voter ID law in effect this November. The case remains pending.

Although the list of states with strict voter ID requirements is slowly growing (and facing challenges), more than two-dozen more states go beyond federal requirements to verify voter information by requesting photo and non-photo ID to vote.

The following table and descriptions outline state mandates for strict photo voter ID.

RESTRICTIONS AT VOTING	Voter ID
Georgia	§21-2-417: Requires voters who vote at a polling place to show photo ID, including Georgia driver's license, state ID, "voter ID" issued by state or county, U.S. passport, valid government employee ID, valid military ID, and valid tribal ID. Voters without ID must vote a provisional ballot and provide photo ID to the county registrar within 3 days to be counted.
Indiana	§3-5-2-40.5, 3-10-1-7.2, and 3-11-8-25.1: Requires voters who vote at a polling place to show current, valid government-issued ID that shows the voter's name, photo, and an expiration date. Military IDs without expiration date are accepted. Voters without ID must vote a provisional ballot and show ID to the election board by Noon on the Monday after the election. Provisional voters who have a religious objection to being photographed or who are indigent may complete an affidavit stating that they cannot obtain proof of ID.
Kansas	§25-2908, 25-1122, 25-3002, and 8-1324(g)(2): Requires voters who vote at a polling place to show current, valid, government-issued ID, including a driver's license, state ID card, concealed weapon license, U.S. passport, government employee badge, military ID, student ID, or public assistance ID. Military voters, voters with disabilities who cannot travel to obtain ID, and voters with religious objections to being photographed are exempt from the requirement. Anyone who does not show ID and is not exempt under Kansas law must vote a provisional ballot and provide a copy of photo ID to the county election officer before the meeting of the county board of canvassers.
Pennsylvania*	Requires voters who vote at a polling place to show current, valid government ID that shows the voter's name, photo, and an expiration date. Government employee ID, student ID, and care facility ID are accepted. Military IDs without expiration date are accepted. Pennsylvania driver's licenses and state ID are also accepted if they are not more than one year past the expiration date. Indigent voters who say they cannot afford ID must vote by provisional ballot, after executing an affidavit, and present the county board of election the affirmation and proof of identity within six days after the election. Note: This law is currently being challenged by the ACLU and NAACP.
Tennessee	§2-7-112: Requires every voter who votes at a polling place to show valid, government-issued photo ID, driver's license or state ID, United States passport, or military ID. Voters who do not present proof of identity must vote a provisional ballot and then provide the administrator of elections with proof of identity within the close of business on the second business day after the election.

Government-Issued Photo ID Required for All Voters

Strict photo ID requirements force every voter who wishes to vote in person to prove his or her identity with current and valid, photographic, government-issued ID. Typically, ID includes state driver's license, United States passport, military ID, government employee ID, tribal ID, and sometimes a state-issued "voter ID." Most states require voters who do not present ID to cast a provisional ballot, after which they must present proof of identity to an election official in order to have that ballot counted. In November, at least five states will require every voter to present photo ID to vote (GA, IN, KS, PA, TN). Legal challenges to enforce strict photo ID laws are pending in Mississippi, South Carolina, Pennsylvania, Texas, and Wisconsin. The trial is currently underway and a ruling is expected by mid-August."

Photo ID Requested

Although not as restrictive as the five states that require photo ID to vote a regular ballot, at least two dozen states will go beyond federal requirements in their voter verification efforts this November.

The Help America Vote Act requires first-time voter registrants who register to vote by mail to provide verification of their identity, such as a driver's license or state ID number, or the last four digits of the registrant's Social Security number. Anyone who does not provide that information, or who cannot be verified, would be required to show one of a broad list of acceptable identification at the polls in order to vote a regular ballot.

However, 24 states currently require one of a much narrower list of IDs to verify voter identity by requesting that voters present photo (AL, FL, HI, ID, LA, MI, SD), or non-photo ID (AL, AZ, AK, CO, CT, DE, KY, MO, NT, ND, OH, OK, RI, UT, VA, WA), to vote a regular ballot.

Disenfranchisement for Felony Convictions

The United States is home to more than five million Americans who are denied the right vote because of felony convictions. Four million are not in prison, but are currently living and working in our communities without the right to civic participation due to the state laws that disenfranchise them at varying stages in their criminal sentences, and in some cases permanently. These laws have a disproportionate impact on communities of color. For example, 13 percent of African-American men are unable to vote due to felony conviction, a rate that is nearly seven times the national average.^{xviii}

Citizens living and working in society should have a voice in the democratic process. However, only 13 states and the District of Columbia restore voting rights upon release from incarceration (DC, HI, IL, IN, MA, MI, MT, NH, ND, OH, OR, PA, RI, UT). Maine and Vermont are the only states that allow all voting-age citizens, including those who are incarcerated, to vote.

Currently, the United States Congress is considering a law to rectify the disparities in state law by creating a federal standard for voting in federal elections by people with felony convictions. The Democracy Restoration Act would restore the voting rights in federal elections to people who have been released from incarceration. Advocates contend that such standards not only restore the right to vote of four million Americans, but also improve the chances of a successful reintegration into society.^{xix}

The following table outlines the variety of state laws that disenfranchise Americans with felony conviction.

RESTRICTIONS AT REGISTRATION

Disenfranchisement of Felony Offenders

	Permanent or Extended (for some, unless pardoned)
AL	Article VIII Section 182, §17-3-31 - Disenfranchises citizens convicted of "infamous crime or crime involving moral turpitude." Voting rights may be restored through "specifically expressed" pardon by the state Board of Pardons.
	Restored After Completion of Sentence (including probation and parole)
AK	State Constitution Article 5, Section 2; 15.05.030 – Disenfranchises people convicted of felonies involving moral turpitude. Voting rights are restored after completion of sentence, including probation and parole.
	Permanent or Extended (for some, unless pardoned)
AZ	Article VII, Section 2; 13-905 – Disenfranchises any citizen who has been convicted of a felony. First-time offenders may apply to restore voting rights after completing probation and parole. A person convicted for two or more felonies and whose probation has been completed may have civil rights restored by the judge who discharges him or her at the end of the term of probation.
	Restored After Completion of Sentence (including probation and parole)
AR	Constitution Article 3, Section 1 – Voting rights are restored after completion of sentence, including probation and parole, and voter has paid all applicable court costs, fines, or restitution.
	Restored for Probationers
CA	Article 2, Section 4 – Voting rights are automatically restored after completion of parole.
	Restored for Probationers
CO	Title I, Art. II, Section 10 and §1-2-103(4) - Allows probationers and prisoners who are awaiting trial to register to vote by mail.
	Restored for Probationers
CT	Chapter 143, Sections 9-46a - Voting rights are restored once the person has been released from incarceration and parole and has paid all fines.
	Permanent or Extended (for some, unless pardoned)
DE	Article V § 2; Del. Code § 6102 – Disenfranchises any citizen who has been convicted of a felony. Voting rights may be restored after a person has served parole, work release, early release, supervised custody and community supervision, and also paid all financial obligations and restitution required by the sentence.
	Permanent (for all, unless pardoned)
FL	§97.041, §940.01, §940.05, §944.292, §944.293 - Disenfranchises any citizen who has been convicted of a felony. The governor may restore voting rights by executive order if the citizen applies to restore voting rights.
	Restored After Completion of Sentence (including probation and parole)
GA	Article II, Section 1 – Disenfranchises people convicted of felonies involving moral turpitude. Such citizens may register to vote after completion of sentence.
	Restored After Completion of Sentence (including probation and parole)
ID	Article VI Section 3 – Disenfranchises anyone convicted of a felony who has not "been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense."
	Permanent (for all, unless pardoned)
IA	§48A.6, §914.3 - Disenfranchises any citizen who has been convicted of a felony. The governor or president of the United States may restore rights.
	Restored After Completion of Sentence (including probation and parole)
KS	Article V Section 2 - Disenfranchises anyone convicted of a felony unless pardoned or restored to his or her civil rights.

RESTRICTIONS AT REGISTRATION

Disenfranchisement of Felony Offenders

	Permanent (for all, unless pardoned)
KY	§116.025, §116.025 - Disenfranchises any citizen who has been convicted of a felony. The governor may restore voting rights by executive order.
	Restored After Completion of Sentence (including probation and parole)
LA	Article 1 §10 - Restricts voting rights of anyone convicted of a felony until pardoned by the governor or by the "officer of the state, nation, government or country having such authority to pardon in the place where the person was convicted and sentenced."
	Restored After Completion of Sentence (including probation and parole)
MD	Article 1, Section 4; Chapter 159 – Voting rights may be restored after completion of sentence, including parole or probation.
	Restored After Completion of Sentence (including probation and parole)
MN	Article VII Section 1; State Statute 201.014; 609.165 - Anyone convicted of treason or felony may not vote until discharged. Restoration is automatic after serving probation and parole.
	Restored After Completion of Sentence (including probation and parole)
MI	Article XII, § 241 and § 253; § 23-15-11 - Disenfranchises anyone convicted of a felony involving the following: murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy. Voting rights can be restored only by pardon by the governor or legislation. Voting rights of people convicted of other felonies are unaffected.
	Restored After Completion of Sentence (including probation and parole)
MO	§ 115.133.2 – Voting rights are restored after completion of sentence, including probation and parole. Felony convictions relating to suffrage result in permanent disenfranchisement.
	Permanent or Extended (for some, unless pardoned)
NE	Revised Statute 32-313 – Requires anyone convicted of a felony to wait two years after completion of sentence—including parole—before voting rights are automatically restored. Citizens convicted of treason are permanently disenfranchised.
	Permanent or Extended (for some, unless pardoned)
NV	Const. Art. 2, §1, NRS § 213.090(2) – Voting Rights are automatically restored upon completion of sentence—including parole—for first-time convictions of nonviolent crimes. Second-time felony convictions result in disenfranchisement and the citizen must seek restoration from the court in which they were convicted. Citizens convicted of treason are permanently disenfranchised.
	Restored After Completion of Sentence (including probation and parole)
NJ	Article II Section 1; Title 19:4-1 - Voting rights are restored by pardon after completion of sentence, including probation and parole.
	Restored After Completion of Sentence (including probation and parole)
NM	Article VII Section 1; 31-13-1 - Voting rights are restored after the person convicted of a felony completes all terms of a sentence imposed by a court.
	Restored for Probationers
NY	§5-106, 5-400 - Voting rights are restored once the person has been released from incarceration and parole or pardoned.
	Restored After Completion of Sentence (including probation and parole)
NC	Article VI Section 2 ; § 13-1 – Voting rights may be restored after completion of all terms of a sentence.
	Restored After Completion of Sentence (including probation and parole)
OK	§26-4-101 – Voting rights are restored after the time prescribed in the original judgment and sentence have elapsed. If a person is released before the original sentence has elapsed, that person must wait to restore voting rights.

Voters approved Mississippi’s law in November 2011, and lawmakers adopted implementing legislation in April 2012. The law is now under review by the Justice Department to ensure it complies with the Voting Rights Act before going into effect. In August, Pennsylvania Commonwealth Court Judge Robert Simpson ruled to keep the voter ID law in effect this November. The case remains pending.

Although the list of states with strict voter ID requirements is slowly growing (and facing challenges), more than two-dozen more states go beyond federal requirements to verify voter information by requesting photo and non-photo ID to vote.

The following table and descriptions outline state mandates for strict photo voter ID.

RESTRICTIONS AT VOTING	Voter ID
Georgia	§21-2-417: Requires voters who vote at a polling place to show photo ID, including Georgia driver's license, state ID, "voter ID" issued by state or county, U.S. passport, valid government employee ID, valid military ID, and valid tribal ID. Voters without ID must vote a provisional ballot and provide photo ID to the county registrar within 3 days to be counted.
Indiana	§3-5-2-40.5, 3-10-1-7.2, and 3-11-8-25.1: Requires voters who vote at a polling place to show current, valid government-issued ID that shows the voter's name, photo, and an expiration date. Military IDs without expiration date are accepted. Voters without ID must vote a provisional ballot and show ID to the election board by Noon on the Monday after the election. Provisional voters who have a religious objection to being photographed or who are indigent may complete an affidavit stating that they cannot obtain proof of ID.
Kansas	§25-2908, 25-1122, 25-3002, and 8-1324(g)(2): Requires voters who vote at a polling place to show current, valid, government-issued ID, including a driver's license, state ID card, concealed weapon license, U.S. passport, government employee badge, military ID, student ID, or public assistance ID. Military voters, voters with disabilities who cannot travel to obtain ID, and voters with religious objections to being photographed are exempt from the requirement. Anyone who does not show ID and is not exempt under Kansas law must vote a provisional ballot and provide a copy of photo ID to the county election officer before the meeting of the county board of canvassers.
Pennsylvania*	Requires voters who vote at a polling place to show current, valid government ID that shows the voter's name, photo, and an expiration date. Government employee ID, student ID, and care facility ID are accepted. Military IDs without expiration date are accepted. Pennsylvania driver's licenses and state ID are also accepted if they are not more than one year past the expiration date. Indigent voters who say they cannot afford ID must vote by provisional ballot, after executing an affidavit, and present the county board of election the affirmation and proof of identity within six days after the election. Note: This law is currently being challenged by the ACLU and NAACP.
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CONCLUSION

The issue of voting rights in America has often been a matter of one step backwards for every two steps forward. Throughout our history, hard-fought gains to expand the franchise have been met with fierce resistance and pushback from those who would restrict the electorate to a population of their liking.

As this memo demonstrates, we are currently living through such an era. After new and historically underrepresented Americans turned out to vote at historic rates in 2008, lawmakers have pushed to make it even harder to vote in 2012 by maintaining outmoded laws, or by passing new ones that are entrenched in partisan politics.

We hope this guide to state election laws will help voters, reporters, and advocates understand how these unnecessary restrictions and bureaucratic hurdles may have a profound impact on turnout in November 2012 and beyond.

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Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure that our constituencies can register, vote, and cast ballots that count.

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