

Politics

MENU

STATE AND LOCAL

Federal court strikes down 'discriminatory' Texas voter ID

Published August 05 2015

285

194

Associated Press

A federal appeals court struck down Texas' voter ID law on Wednesday in a victory for the Obama administration, which had taken the unusual step of bringing the weight of the U.S. Justice Department to fight new Republican-backed mandates at the ballot box.

The 5th U.S. Circuit Court of Appeals ruled that the 2011 law carries a "discriminatory effect" and violates one of the remaining provisions of the Voting Rights Act – the heart of which was struck down by the U.S. Supreme Court in 2013.

Texas was allowed to use the voter ID law during the 2014 elections, thereby requiring an estimated 13.6 million registered Texas voters to have a photo ID.

Section 2 of the landmark civil rights law required opponents to meet a far higher threshold and prove that Texas intentionally discriminated against minority voters.

"We conclude that the district court did not reversibly err in determining that SB 14 violates Section 2 by disparately impacting minority voters," the court wrote.

The Justice Department had argued that the Texas law, considered one of the toughest voter ID measures in the country, would prevent as many as 600,000 voters from casting a ballot because they lacked one of seven forms of approved ID.

"In light of ongoing voter fraud, it is imperative that Texas has a voter ID law that prevents cheating at the ballot box," Gov. Greg Abbott said in a written statement. "Texas will continue to fight for its voter ID requirement to ensure the integrity of elections in the Lone Star State."

A lower court had previously found that the voter ID was passed with the intent of discriminating against minorities. In striking down the Texas measure, however, the New Orleans-based appeals court did not find the voter ID requirement to be the equivalent of a poll tax.

How latest federal court ruling affects Texas' voter ID law

cnsnews.com

AUSTIN, Texas (AP) — A federal appeals court declared that Texas' strict 2011 voter ID law has a "discriminatory effect" on minorities and violates the Voting Rights Act. But the three-judge panel's unanimous, 49-page decision also overturned a lower court's previous assertion that the law amounted to an unconstitutional "poll tax." Here's a closer look at the Wednesday ruling, the law and where the case stands now.

WHAT DOES THE RULING MEAN?

The U.S. 5th Circuit Court in New Orleans found that Texas' law requiring residents to show state-approved IDs in order to cast ballots violated Section 2 of the Voting Rights Act, a 50-year old federal statute prohibiting discrimination against minorities. Its ruling followed a decision last year by the lower, Corpus-Christi-based U.S. District Court that likened the law to an unconstitutional "poll tax" that could require some poor Texans to pay to vote because of fees associated with obtaining necessary IDs. The ruling Wednesday rejected the "poll tax" finding since Texas has taken steps to allow residents to receive IDs for free. But it upheld the lower court's assertion that the effect of the law was nonetheless discriminatory.

WHAT HAPPENS NEXT?

The case returns to the U.S. District Court, which will have to decide whether the Texas Legislature intended to discriminate against minority voters when it drafted and passed the law. Opponents of voter ID cheered Wednesday's ruling as a victory — albeit a narrow one. Republican Gov. Greg Abbott, who defended the law in court as state attorney general before becoming governor in January, vowed that "Texas will continue to fight for its voter ID requirement to ensure the integrity of elections."

WHAT EXACTLY IS THE VOTER ID LAW?

Approved by the GOP-controlled Texas Legislature in 2011, the law requires voters to show one of seven approved forms of photo ID in order to vote, with or without a voter registration card. Permissible IDs include a Texas driver's license, U.S. passport, state-issued ID card, Texas concealed handgun license or a U.S. military ID.

WHERE DOES THE LAW STAND NOW?

The 2014 district court ruling struck down Texas' voter ID law, but it came just days before the November election. To avoid confusion, the U.S. Supreme Court declared that elections should go forward under the law, and it remains enforced today. Texas, meanwhile, appealed the District Court decision to the 5th Circuit, prompting Wednesday's ruling. Even with the case ongoing, Texas has now conducted three

statewide elections under the voter ID law. While there have been anecdotal reports of confusion, there were not widespread issues with voters being unable to cast ballots because they lacked proper identification.

HOW DID THE COURT CASE AGAINST THE LAW BEGIN?

Advocates and legal experts sued in federal court, arguing that Texas was deliberately discriminating against poor, largely minority voters by placing an undue burden with the ID requirement. The Obama administration subsequently joined the case, further arguing that the law was discriminatory. It was initially blocked after a ruling that it could violate the Voting Rights Act. But Texas was allowed to implement the ID requirements after the U.S. Supreme Court in 2013 struck down Section 5 of the act, which had required nine mostly Southern states with a history of discrimination to seek approval before changing election laws. Still, Wednesday's ruling found that, Section 5 aside, the law nonetheless met the higher legal threshold of violating the Voting Rights Act's Section 2 — which requires proving that it discriminated against minority voters.

ABOUT US | LEGISLATORS & STAFF | RESEARCH | MEETINGS & TRAINING | NCSL IN D.C. | MAGAZINE | BLOG

VOTER IDENTIFICATION REQUIREMENTS | VOTER ID LAWS

8/10/2015

Wendy Underhill



News Update

On August 5, 2015 a federal appeals court ruled that at least part of Texas' strict voter ID cannot be enforced. It is uncertain whether the law will continue to be in effect.

The Supreme Court declined on March 23, 2015 to hear a challenge to Wisconsin's strict voter ID law. Wisconsin's law requires a photo identification be shown before a voter is allowed to cast a ballot. The law is now in effect.

NCSL's [History of Voter ID webpage](#)

contains a chronology of voter ID legislation from 2000 to the present.

Introduction

A total of 36 states have passed laws requiring voters to show some form of identification at the polls. 32 of these voter identification laws are in force. Laws in Arkansas, Missouri and Pennsylvania laws have been struck down in their states, and North Carolina's law, enacted in 2013, goes into effect in 2016. (Note: North Carolina's 2013 law was a "strict" law. In 2015, the legislature amended it so when it goes into effect in 2016, it will be in the non-strict photo ID category.) Scroll over the map below for state-by-state details.

The remaining 18 states use other methods to verify the identity of voters. Most frequently, other identifying information provided at the polling place, such as a signature, is checked against information on file. See NCSL's [Voter Verification Without ID Documents](#).

Please note that some of the 32 states with voter identification laws in place have enacted stricter requirements with implementation dates in the future. The current, in-effect laws are used here, with footnotes that identify stricter laws to be implemented in 2015 or 2016. A chronology of voter ID legislation since 2000 can also be found on NCSL's [History of Voter ID page](#).

Proponents see increasing requirements for identification as a way to prevent in-person voter impersonation and increase public confidence in the election process. Opponents say there is little fraud of this kind, and the burden on voters unduly restricts the right to vote and imposes unnecessary costs and administrative burdens on elections administrators.

See [State-by-State In-Effect Voter ID Requirements](#) (Table Two, far below) for citations and details on what IDs are accepted and what happens when a voter does not have ID.

Voter Identification Laws in Effect in 2015

Strict Photo ID	Strict Non-Photo ID	Photo ID requested	ID requested, photo not required	No document required to vote
-----------------	---------------------	--------------------	----------------------------------	------------------------------

TABLE OF CONTENTS

[Introduction](#)

[Voter Identification Laws in Force, 2015](#)

[Variations in Voter ID Laws](#)

[First Time Voters](#)

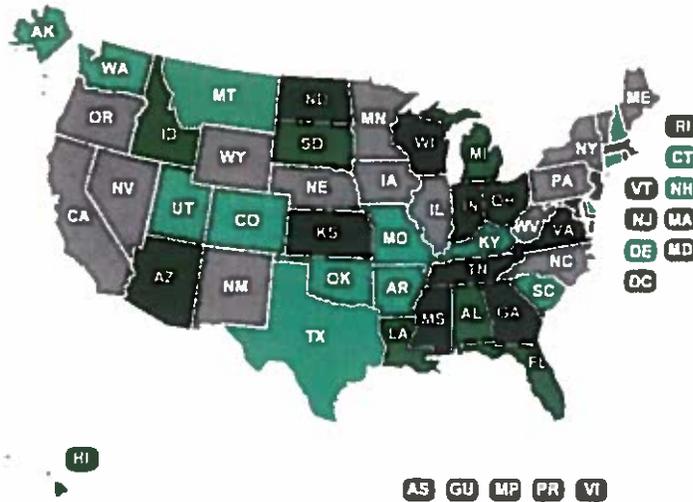
[Exceptions to Voter Identification Requirements](#)

[State-by-State In-Effect Voter ID Requirements](#)

[Additional Resources](#)

CONTACT

Wendy Underhill 303-364-7700



Variations in Voter Identification Laws

Voter ID laws can be categorized in two ways. First, the laws can be sorted by whether the state asks for a photo ID or whether it accepts IDs without a photo as well. Second, the laws can be divided by what actions are available for voters who do not have ID. These two categorization schemes can and do overlap.

Photo vs. non-photo identification: Some states request or require voters to show an identification document that has a photo on it, such as a driver's license, state-issued identification card, military ID, tribal ID, and many other forms of ID. Other states accept non-photo identification such as a bank statement with name and address or other document that does not necessarily have a photo. Using this categorization for laws that are in effect in 2014, 15 states ask for a photo ID and 16 states also accept non-photo IDs. (To see this difference, look at the columns in Table One.)

Procedures for when a voter does not have identification: If a voter fails to show the ID that is asked for by law, states provide alternatives. These laws fit two categories, non-strict and strict. (To see this difference, look at the rows in Table One.)

Non-strict: At least some voters without acceptable identification have an option to cast a ballot that will be counted without further action on the part of the voter. For instance, a voter may sign an affidavit of identity, or poll workers may be permitted to vouch for the voter. In some of the "non-strict" states (Colorado, Florida, Montana, Oklahoma, Rhode Island, Utah and Vermont), voters who do not show required identification may vote on a provisional ballot. After the close of Election Day, election officials will determine (via a signature check or other verification) whether the voter was eligible and registered, and therefore whether the provisional ballot should be counted. No action on the part of the voter is required. In *New Hampshire*, election officials will send a letter to anyone who signed a challenged voter affidavit because they did not show an ID, and these voters must return the mailing, confirming that they are indeed in residence as indicated on the affidavit.

Strict: Voters without acceptable identification must vote on a provisional ballot and also take additional steps after Election Day for it to be counted. For instance, the voter may be required to return to an election office within a few days after the election and present an acceptable ID to have the provisional ballot counted. If the voter does not come back to show ID, the provisional ballot is not counted. Using the non-strict/strict categorization, 21 states have non-strict voter ID requirements, and 10 have strict requirements.

See [State-by-State Details on In-Effect Voter ID Requirements](#) (Table 2, far below) for specifics.

TABLE 1: VOTER IDENTIFICATION LAWS IN FORCE IN 2014**

	Photo ID	Non-Photo ID
Strict	Georgia Indiana Kansas Mississippi Tennessee Virginia Texas (5) Wisconsin	Arizona North Dakota Ohio
Non-Strict	Alabama(2) Florida Hawaii Idaho Louisiana Michigan Rhode Island South Dakota	Alaska Arkansas(1) Colorado Connecticut Delaware Kentucky Missouri Montana New Hampshire

Oklahoma[4]
 South Carolina[6]
 Utah
 Washington

** This table refers to laws that are in effect in 2014; Pennsylvania also has enacted a strict photo voter ID law, but it has been struck down by state court and is not in effect. North Carolina also enacted a strict photo voter ID law in 2013, with an implementation date in 2016. Therefore, Pennsylvania and North Carolina are not included in this chart of in-force laws.

[1] Arkansas's strict photo voter ID law was struck down by the Arkansas Supreme Court, leaving a pre-existing non-strict, non-photo law in effect.

[2] Some might call Alabama's law a *strict photo identification* law, because voters who don't show a photo ID will generally be asked to cast a provisional ballot and then must bring the required ID to an election office by 5 p.m. on Friday after Election Day. However, there is an alternative: two election officials can sign sworn statements saying they know the voter.

[4] Some prefer to call Oklahoma a *photo voter ID* state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a non-photo voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID.

[5] Texas enacted in 2011 a strict photo voter ID law, replacing its existing non-strict, non-photo ID law. It was implemented in 2013. On Oct. 9, 2014 a federal judge struck it down, on Oct. 14, a federal appeals court re-instated the law on the basis that it was too close to the general election to change the rules. On Oct. 18, the U.S. Supreme Court affirmed that the law can be in effect for the November 2014 election. In 2015, a federal appeals court ruled that it cannot be enforced, sending it back to the lower court. It is uncertain whether the law remains in effect, or whether an earlier non-strict, non-photo law is in place.

[6] South Carolina has a photo ID requirement, but it does offer an alternative for people with a "reasonable impediment" to obtaining a photo ID. See details in Table 2, below.

First Time Voters

In addition to the laws governing what identification all voters must show at the polls, first time voters may face additional requirements. The federal Help America Vote Act (section 15483(b)(2)(A)) mandates that all states require identification from first-time voters who register to vote by mail and have not provided verification of their identification at the time of registration. The act lists a "current and valid photo identification" or "a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter" as acceptable forms of ID.

Exceptions to Voter Identification Requirements

Most states with strict voter identification requirements make some exceptions. Including exceptions from laws that both are and are not in place for 2014. These exceptions may include people who:

- Have religious objections to being photographed (Arkansas, Indiana, Kansas, Mississippi, South Carolina, Tennessee, Texas, Wisconsin)
- Are indigent (Indiana, Tennessee)
- "Have a reasonable impediment" to getting an ID (South Carolina)
- Do not have an ID as a result of a recent natural disaster (Texas)
- People who are victims of domestic abuse, sexual assault or stalking and have a "confidential listing" (Wisconsin)

Additionally, voter ID requirements generally apply to in-person voting, not to absentee ballots or mailed ballots.

All voters, regardless of the type of verification required by the states, are subject to perjury charges if they vote under false pretenses.

PLEASE NOTE: The information provided below and throughout this webpage should be used for general informational purposes and not as a legal reference. If you have questions regarding the voter ID requirements in your state, please contact your local election administrator.

The box allows you to conduct a full text search or use the dropdown menu option to select a state.

Reset | Select a State

TABLE 2: STATE-BY-STATE DETAILS OF IN-EFFECT VOTER IDENTIFICATION REQUIREMENTS

State	Acceptable Forms of ID	Voters Without ID
Alabama §17-9-30	<ul style="list-style-type: none"> -Valid Alabama driver's license or non-driver ID card -Valid photo voter ID card or other valid ID card issued by any state or the federal government, as long as it contains a photo -Valid U.S. passport -Valid government employee ID card with a photo 	<p>Vote a provisional ballot or vote a regular ballot if s/he is identified by two election officials as an eligible voter on the poll list, and both election workers sign a sworn affidavit so stating.</p> <p>If voting a provisional ballot, the voter has until 5:00PM on the Friday after the election to bring the required ID.</p>

State	Acceptable Forms of ID	Voters Without ID
<p>Alaska §15.15.225</p>	<p>-Valid student or employee ID card issued by a college or university in the state, provided it includes a photo -Valid U.S. military ID card containing a photo -Valid tribal ID card containing a photo</p> <p>-Official voter registration card -Driver's license -Birth certificate -Passport -Hunting or fishing license -Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address</p>	<p>An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.</p>
<p>Arizona §16-576(A)</p>	<p>-Valid Arizona driver's license -Valid Arizona non-driver identification -Tribal enrollment card or other form of tribal identification -Valid U.S. federal, state or local government issued identification -Utility bill dated within 90 days of the election -Bank or credit union statement dated within 90 days of the election -Valid Arizona vehicle registration -Indian census card -Property tax statement -Vehicle insurance card -Recorder's Certificate</p>	<p>An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5 pm on the fifth business day after a general election that includes an election for federal office, or by 5 pm on the third business day after any other election.</p>
<p>Arkansas §7-1-101(25)(A) NOTE: This law has been struck down by the Arkansas Supreme Court. It will not be in effect for the 2014 general election. A pre-existing non-strict, non-photo ID law is in effect.</p>	<p>NOTE: This law has been struck down by the Arkansas Supreme Court. It will not be in effect for the 2014 general election. A pre-existing non-strict, non-photo ID law is in effect (Public Act 1454 of 1999).</p> <p>-A voter ID card issued by the secretary of state -A document or ID card that:</p> <p style="padding-left: 40px;">shows the name and photograph of the person to whom it was issued;</p> <p style="padding-left: 40px;">is issued by the U.S. government, the state of Arkansas, or an accredited postsecondary educational institution in Arkansas; and</p> <p style="padding-left: 40px;">if displaying an expiration date, is not expired, or expired no more than four years before the date of the election</p> <p>-"Proof of identity" that complies may include without limitation:</p> <ul style="list-style-type: none"> a driver's license a photo ID card a concealed handgun carry license a U.S. passport an employee badge or identification document a U.S. military ID card a student ID a public assistance ID a voter ID card 	<p>NOTE: This law has been struck down by the Arkansas Supreme Court. It will not be in effect for the 2014 general election. A pre-existing non-strict, non-photo ID law is in effect.</p> <p>If the voter is listed on the precinct voter registration list but fails to provide proof of identity, the election official shall: (1) indicate on the precinct voter registration list that the voter did not provide proof of identity; and (2) Permit the voter to cast a provisional ballot. The provisional ballot shall be counted if (1) the voter returns to the county board of election commissioners or the county clerk by 12:00 p.m. on the Monday following the election and (A) provides proof of identity, or (B) Provides an affidavit stating that the voter cannot provide proof of identity because the voter is indigent or has a religious objection to being photographed, and the voter has not been challenged or required to vote a provisional ballot for any other reason. (§7-5-321)</p>
<p>Colorado §1-1-104(19.5) and 1-7-110 NOTE: Since the passage of HB</p>	<p>-Colorado driver's license -CO Dept. of Revenue ID card -U.S. passport</p>	<p>An eligible elector who is unable to produce identification may cast a provisional ballot. The designated election official shall attempt to verify that an elector who cast a provisional ballot is eligible to vote. The designated election official or</p>

State	Acceptable Forms of ID	Voters Without ID
1303 in 2013, most CO voters now vote by mail. However, at least one location is open on Election Day for in-person voting, and the ID requirement spelled out here applies to those voters.	<ul style="list-style-type: none"> -Employee ID card with photo issued by the -U S government, CO state government, or political subdivision of CO -Pilot's license -U.S. military ID with photo -A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector -Medicare or Medicaid card -Certified copy of birth certificate -Certified documentation of naturalization 	designees shall complete the preliminary verification of the elector's eligibility to vote before the ballot is counted. (§1-6 5-105)
Connecticut §9-281	<ul style="list-style-type: none"> -Social Security card -Any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph 	Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.
Delaware Tit. 15, §4937	<ul style="list-style-type: none"> -Photo ID -Utility bill -Paycheck -Any government document with voter's name and address 	In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.
Florida §101 043	<ul style="list-style-type: none"> -Florida driver's license -Florida ID card issued by the Dept. of Highway Safety and Motor Vehicles -U.S. passport -Debit or credit card -Military identification -Student identification -Retirement center identification -Neighborhood association ID -Public assistance identification 	If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot by determining whether the elector is entitled to vote at the precinct where the ballot was cast and that the elector had not already cast a ballot in the election. Florida uses signature matching: the voter signs the provisional ballot envelope. That signature is compared to the signature in the voter registration records. If they match, the ballot is counted.
Georgia §21-2-417	<ul style="list-style-type: none"> -Georgia driver's license, even if expired -ID card issued by the state of Georgia or the federal government -Free voter ID card issued by the state or county -U.S. passport -Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority or other entity of this state -Valid U.S. military identification card -Valid tribal photo ID 	A voter without one of the acceptable forms of photo identification can vote on a provisional ballot. He or she will have up to three days after the election to present appropriate photo identification at the county registrar's office in order for the provisional ballot to be counted.
Hawaii §11-136	Poll workers request photo ID with a signature. Acceptable types of ID are not specified by law.	If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.
Idaho §34-1106(2), 34-1113, 34-1114	<ul style="list-style-type: none"> -Idaho driver's license -Idaho ID card -Passport -ID card, including a photo, issued by an agency of the U.S. government -Tribal ID card, including a photograph -Student ID card, including a photograph, issued by a high school or accredited institution of higher education within the state of Idaho 	A voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the secretary of state and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.
Indiana §3-5-2-40.5, 3-10-1-7.2 and 3-11-9-25.1	<p>Specific forms of ID are not listed in statute. ID must be issued by the state of Indiana or the U.S. government and must show the following:</p> <ul style="list-style-type: none"> -Name of individual to whom it was issued, which must conform to the individual's registration record -Photo of the person to whom it was issued -Expiration date (if it is expired, it must have an expiration date after the most recent general election; military IDs are 	Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.

State	Acceptable Forms of ID	Voters Without ID
	<p>exempted from the requirement that ID bear an expiration date)</p> <ul style="list-style-type: none"> -Must be issued by the United States or the state of Indiana 	
Kansas §25-2908, 25-1122, 25-3002, and 8-1324(g)(2)	<p>The following forms of identification are valid if they contain the name and photograph of the voter and have not expired. Expired documents are valid if the bearer is aged 65 or older.</p> <ul style="list-style-type: none"> -Driver's license issued by Kansas or another state -State identification card -Government-issued concealed carry handgun or weapon license -U S passport -Employee badge or identification document issued by a government office or agency -Military ID -Student ID issued by an accredited postsecondary institution in Kansas -Government-issued public assistance ID card 	<p>A voter who is unable or refuses to provide current and valid identification may vote a provisional ballot.</p> <p>To have his or her ballot counted, the voter must provide a valid form of identification to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers</p>
Kentucky §117.227	<ul style="list-style-type: none"> -Driver's license -Social Security card -Credit card 	<p>When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote</p>
Louisiana §18 562	<ul style="list-style-type: none"> -Louisiana driver's license -Louisiana special ID card -Other generally recognized picture identification 	<p>If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R S 18 565.</p>
Michigan §168 523	<ul style="list-style-type: none"> -Michigan driver's license -Michigan personal identification card <p>A voter who does not possess either of the above may show any of the following, as long as they are current:</p> <ul style="list-style-type: none"> -Driver's license or personal identification card issued by another state -Federal or state government-issued photo ID -U S. passport -Military ID with photo -Student ID with photo -- from a high school or accredited institution of higher education -Tribal ID with photo 	<p>An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.</p>
Mississippi §23-15-563	<ul style="list-style-type: none"> -A driver's license -A photo ID card issued by a branch, department, or entity of the State of Mississippi -A United States passport -A government employee ID card -A firearms license -A student photo ID issued by an accredited Mississippi university, college, or community/junior college -A United States military ID -A tribal photo ID -Any other photo ID issued by any branch, department, agency or entity of the United States government or any state government -A Mississippi Voter Identification Card 	<p>An individual without ID can cast an affidavit ballot which will be counted if the individual returns to the appropriate circuit clerk within five days after the election and shows government-issued photo ID. Voters with a religious objection to being photographed may vote an affidavit ballot, which will be counted if the voter returns to the appropriate circuit clerk within five days after the election and executes an affidavit that the religious exemption applies.</p>
Missouri		

State	Acceptable Forms of ID	Voters Without ID
§115-427	<ul style="list-style-type: none"> -Identification issued by the federal government, state of Missouri, an agency of the state, or a local election authority; -Identification issued by Missouri institution of higher education, including a university, college, vocational and technical school; -A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter; -Driver's license or state identification card issued by another state. 	<p>If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.</p>
Montana §13-13-114	<ul style="list-style-type: none"> -Driver's license -School district or postsecondary education photo identification -Tribal photo identification -Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address 	<p>If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.</p> <p>Montana uses signature verification to verify the eligibility of provisional ballots. If the voter's signature on the provisional ballot affirmation matches the signature on the voter's registration record, the ballot is counted. (§13-15-107(2))</p>
New Hampshire §656:13	<ul style="list-style-type: none"> -A driver's license from NH or any other state, regardless of expiration date -A photo ID card issued by the NH director of motor vehicles -A voter ID card issued under R.S. 260:21 -A U.S. armed services photo ID card -A U.S. passport, regardless of expiration date -A valid student ID card -Any other valid photo ID issued by federal, state, county or municipal government -Any other photo ID that is determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, 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 qualified voter affidavit as if no identification was presented. -Verification of the voter's identity by a moderator or supervisor of the checklist or clerk of a town, ward or city (not a ballot clerk). If any person authorized to challenge a voter does so under this provision, the voter shall be required to fill out a challenged voter affidavit before obtaining a ballot. 	<p>A person's identity may be verified by a moderator or supervisor of the checklist or the town or city clerk, but if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.</p> <p>If a voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a qualified voter affidavit. The voter may then cast a regular ballot.</p> <p>By Jan. 10 in odd numbered years or within 90 days after any other election, the secretary of state is required to mail a non-forwardable letter to each voter who executed a qualified voter affidavit, notifying the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 90 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. Any such letters returned as undeliverable must be turned over to the attorney general, who shall investigate for voter fraud. Notice from any voter receiving such a letter that s/he did not vote is also forwarded to the attorney general for investigation. The secretary must also turn over to the attorney general a list of all voters who fail to respond to the letter to confirm that they voted. See the New Hampshire Secretary of State's explanation for details.</p>
North Carolina <i>NOTE: North Carolina's voter ID law, enacted in 2013, and amended in 2015, goes into effect in 2016. Until then, North Carolina voters sign a poll book for identification purposes.</i>	<p><i>New law in effect in 2016:</i></p> <p>An identification card containing a photograph of the registered voter that bears a date of expiration that has not passed and is one of the following:</p> <ul style="list-style-type: none"> -NC driver's license. -NC special identification card. -US passport. -US military identification card. <p>There is no requirement that this card have a printed issuance or expiration date.</p> <p>A Veterans Identification Card containing a photo issued by the US Department of Veterans Affairs. There is no requirement that this card have a printed issuance or expiration date.</p> <p>A tribal enrollment card issued by a federally recognized tribe. If the card does not have an expiration date, it may still be</p>	<p><i>New Law in effect in 2016.</i></p> <p>An individual who voted a provisional ballot due to lack of photo ID is to come in person to the CBOE no later than 12:00 noon on the day before the election canvass to seek the counting of the ballot. If the voter does one of the following at the CBOE, unless otherwise disqualified, the ballot will be counted:</p> <p>Present Photo ID – A voter may present photo ID that bears a reasonable resemblance to the voter. The elections officials are to determine if the photo ID bears a reasonable resemblance.</p> <p>Religious Objection – A voter who had not previously filed a religious objection declaration may show a HAVA document and sign a declaration of their religious objection, as well as have an opportunity to complete a declaration for future elections.</p>

State	Acceptable Forms of ID	Voters Without ID
North Dakota §16.1-05-07	<p>used if the card has a date of issuance that is within 6 years of the date it is presented.</p> <p>A tribal enrollment card issued by a tribe recognized by North Carolina under Chapter 71A that is (i) issued in accordance with a process approved by the State Board of Elections requiring an application and proof of identity equivalent to the requirements for issuance of a special identification card by the Division of Motor Vehicles, and (ii) signed by an elected official of the tribe</p> <p>Driver's license or special identification card issued by another state, D.C., or a territory or commonwealth of the U.S. only if the voter's registration was within 90 days of the election.</p> <p>People over age 70 may use an expired form of ID.</p>	<p>If an individual offering to vote does not have or refuses to show an appropriate form of identification, he or she will not be able to vote.</p>
Ohio §3503.16(B)(1)(a) and 3505.16(A)(1)	<ul style="list-style-type: none"> -Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio -Current utility bill -Current bank statement -Current government check, paycheck or other government document 	<p>A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot. Voters who cast a provisional ballot because they did not provide acceptable proof of identity must appear in person at the board of elections to provide such proof within the 10 days immediately following Election Day (see the Ohio Secretary of State's FAQ on provisional voting)</p>
Oklahoma 26 O.S. 7-114	<p>"Proof of identity" shall mean a document that satisfies the following:</p> <ul style="list-style-type: none"> -Shows a name that substantially conforms to the name in the precinct registry -Shows a photograph Includes an expiration date that is after the date of the election -Was issued by the United States, state of Oklahoma, or a federally recognized Indian tribe or nation 	<p>A provisional ballot cast by a voter who declines or is unable to produce proof of identity shall only be considered verified and approved for counting if the voter's name, residence address, date of birth, and driver's license number or last four digits of social security number as provided on the affidavit match what is in the registration database.</p>
Rhode Island §17-19-24.2	<p>A valid and current document showing a photo of the person to whom it was issued, including:</p> <ul style="list-style-type: none"> -RI driver's license -RI voter identification card -U.S. passport -Identification card issued by a U.S. educational institution -U.S. military identification card -Identification card issued by the U.S. government or state of RI -Government-issued medical card 	<p>If the person claiming to be a registered and eligible voter is unable to provide proof of identity as required, the person shall be allowed to vote a provisional ballot pursuant to section 17-19-24.2. The local board shall determine the validity of the provisional ballot pursuant to section 17-19-24.3. Summary of section 17-19-24.3. The local board shall examine each provisional ballot application to determine if the signature matches the signature on the voter's registration. If the signatures match, the provisional ballot shall count. If the signatures do not match, the ballot shall not count and shall be rejected as illegal.</p>
South Carolina §7-13-710	<ul style="list-style-type: none"> -South Carolina driver's license -Photo ID card issued by the SC Dept. of Motor Vehicles -Passport 	<p>From the State Election Commission's web site: If you have a reasonable impediment to obtaining Photo ID, you may vote a provisional ballot after showing your non-photo voter registration card. A</p>

State	Acceptable Forms of ID	Voters Without ID
	<p>Acceptable Forms of ID</p> <ul style="list-style-type: none"> -Military ID bearing a photo issued by the federal government -South Carolina voter registration card with a photo <p>Voters who have a reasonable impediment to obtaining photo ID may show a non-photo voter registration card in lieu of photo ID, sign an affidavit attesting to the impediment, and cast a provisional ballot.</p>	<p>reasonable impediment is any valid reason, beyond your control, which created an obstacle to obtaining Photo ID. Some examples include:</p> <ul style="list-style-type: none"> Religious objection to being photographed Disability or illness Work schedule Lack of transportation Lack of birth certificate Family responsibilities Election within short time frame of implementation of Photo ID law (January 1, 2013) Any other obstacle you find reasonable <p>To vote under the reasonable impediment exception:</p> <ol style="list-style-type: none"> 1. Present your current, non-photo registration card at the polling place 2. Sign an affidavit stating why you could not obtain a Photo ID 3. Cast a provisional ballot that will be counted unless the county election commission has reason to believe your affidavit is false. <p>If you do NOT have Photo ID and do NOT have a reasonable impediment to obtaining one, or you simply forgot to bring it with you to the polls, you may still vote a provisional ballot. However, for your vote to be counted, you must provide one of the Photo IDs to the county election commission prior to certification of the election (usually Thursday or Friday after the election).</p>
<p>South Dakota §12-18-6.1 and 6.2</p>	<ul style="list-style-type: none"> -South Dakota driver's license or nondriver identification card -U.S. passport -Photo ID issued by an agency of the U.S. government -Tribal ID card, including a photo -Student ID card, including a photo, issued by an accredited South Dakota school 	<p>If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.</p>
<p>Tennessee §2-7-112</p>	<ul style="list-style-type: none"> -TN driver's license -Valid photo ID card issued by any state -Valid photo ID license issued by TN Dept. of Safety -Valid U.S. passport -Valid U.S. military ID with photo -TN handgun carry permit with photo 	<p>If a voter is unable to present the proper evidence of identification, then the voter will be entitled to vote by provisional ballot (in the manner detailed in the bill. The provisional ballot will only be counted if the voter provides the proper evidence of identification to the administrator of elections or the administrator's designee by the close of business on the second business day after the election.</p> <p>However, "A voter who is indigent and unable to obtain proof of identification without payment of a fee or who has a religious objection to being photographed shall be required to execute an affidavit of identity on a form provided by the county election commission and then shall be allowed to vote." §2-7-112(f)</p>
<p>Texas Election Code §63.001 et seq.</p> <p><i>NOTE: Texas' law has been in effect, but an August 2015 court ruling puts that in doubt.</i></p>	<ul style="list-style-type: none"> -Election identification certificate -Dept. of Public Safety personal ID card -U.S. military ID -U.S. citizenship certificate -U.S. passport -License to carry a concealed handgun issued by the Dept. of Public Safety <p>All of the above must include a photo of the voter. With the exception of the certificate of citizenship, these forms of ID cannot be expired, or cannot have expired more than 60 days before the election.</p>	<p>A voter who fails to present the required identification may cast a provisional ballot. The voter must present, not later than the sixth day after the date of the election, the required form of identification to the voter registrar for examination OR the voter may execute, in the presence of the voter registrar, an affidavit under penalty of perjury stating that the voter has a religious objection to being photographed or that the voter does not have identification as a result of a natural disaster declared by the president or the governor which occurred not earlier than 45 days before the date the ballot was cast.</p>
<p>Utah §20A-1-102(83), 20A-3-104</p>	<ul style="list-style-type: none"> -Current valid UT driver's license -Current valid identification card issued by the state or federal government -UT concealed weapon permit 	<p>The voter may cast a provisional ballot as provided by §20A-3-105.5</p> <p>§20A-4-107 states that a county clerk may verify the identity and residence of a voter who fails to provide</p>

State	Acceptable Forms of ID	Voters Without ID
	<ul style="list-style-type: none"> -U.S. passport -Current valid U.S. military ID card -Bureau of Indian Affairs card -Tribal treaty card -Tribal ID card <p>OR</p> <ul style="list-style-type: none"> -Two forms of ID that bear the name of the voter and provide evidence that the voter resides in the precinct 	<p>valid voter identification through some other means."</p>
<p>Virginia §24 2-643(B)</p> <p><i>NOTE: Beginning on July 1, 2014, Virginia law will require a photo ID in order to vote.</i></p>	<p>Existing law</p> <ul style="list-style-type: none"> -Virginia voter registration card -Social Security card -Valid Virginia driver's license -Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States -Employee identification card containing a photograph -Any valid student ID card issued by any institution of higher education located in Virginia -Copy of a current utility bill, bank statement, government check or paycheck that shows the name and address of the voter -Concealed handgun permit <p>New law (all must be current and valid and bear a photo of the voter):</p> <ul style="list-style-type: none"> -Virginia voter registration card -United States passport -Virginia driver's license -Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States -Concealed handgun permit -Any valid student ID card issued by any institution of higher education located in Virginia -Employee identification card 	<p>Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot marked ID-ONLY that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot. In order to have his or her ballot counted, the voter must submit a copy of one of the forms of identification to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election.</p>
<p>Washington §29A 40.180(7) (a)</p> <p><i>NOTE: Most WA voters now vote by mail. However, county auditors are required to open at least one vote center where voters can cast a ballot in person, and the ID requirement spelled out here applies to those voters.</i></p>	<p>The identification must be valid photo identification, such as:</p> <ul style="list-style-type: none"> -A driver's license -A state identification card -A student identification card -A tribal identification card -An employer identification card 	<p>Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record.</p>
<p>Wisconsin §5 02(8m) and 8.79(2)(a)</p>	<ul style="list-style-type: none"> -Wisconsin driver's license -ID card issued by a U.S. uniformed service Wisconsin non-driver ID -U.S. Passport -Certificate of naturalization issued not more than 2 years before the election -ID card issued by a federally recognized Indian tribe in WI -Student ID card with a signature, an issue date, and an expiration date no later than 2 years after the election 	<p>An elector who appears to vote at a polling place and does not have statutory ID shall be offered the opportunity to vote a provisional ballot. An elector who votes a provisional ballot may furnish statutory ID to the election inspectors before the polls close or to the municipal clerk no later than 4pm on the Friday following Election Day.</p>

State	Acceptable Forms of ID	Voters Without ID
	<p>All of the above must include a photo and a name that conforms to the poll list</p> <p>If the ID presented is not proof of residence, the elector shall also present proof of residence.</p>	

Additional Resources

Articles from NCSL's elections newsletter, *The Canvass*:

[Voter ID: Where Are We Now?](#)

[Voter ID: Five Considerations](#)

NCSL's 2011-2014 Elections Legislation Database provides access to summaries on voter ID and all election legislation

The litigation database from Election Law@Moritz provides information about court cases related to elections, including voter ID

[Voter ID FAQs](#)

[Voter Verification Without ID Documents](#)

[History of Voter ID](#)

[Cost of Voter ID](#), a description of costs associated with implementation of voter ID

[Voter ID Laws In the Courts](#), a description of court challenges up through May 2014

[Voter ID: The Courts](#), a presentation by Jessica Karts-Ruplinger, Wisconsin Legislative Council, at NCSL's 2014 Legislative Summit in Minneapolis

For more information: NCSL's elections team, 303-364-7700

Judge strikes down Pennsylvania voter ID law, calls it burdensome

By Allie Malloy, CNN

🕒 Updated 12:15 PM ET, Fri January 17, 2014

Story highlights

Judge strikes down Pennsylvania's voter ID law

Judge says law places "unreasonable burden" on voters

Supporters argue law would prevent voter fraud

Ruling cites "no evidence of ... in-person voter fraud"

A Pennsylvania judge Friday struck down a law requiring voters in the state to show photo identification at the polls, saying the requirement imposed "unreasonable burden" on voters and represented "a legislative disconnect from reality."

State Judge Bernard McGinley's ruling comes nearly two years after civil and voters' rights groups challenged the law, which Gov. Tom Corbett signed in March 2012, that never went into effect because of the court case.

"Voting laws are designed to assure a free and fair election; the Voter ID Law does not further this goal," McGinley said in his ruling.

Joseph Cercaine, lead organizer of PA Voting Rights Coalition, called the ruling a victory for those who fought against what he called the hardships imposed by the requirements of Act 18, as the law is called.

"The issue of voter ID has served to mobilize the electorate in PA about the issue of voting rights in general as well as the specific of the mandate of Act 18. So it's served a beneficial purpose in some ways but it really did threaten to put up barricades for many voters in PA that didn't have the required ID," he said.

Cercaine said the law would have "cost a significant amount of money" for municipalities to implement, as well as for colleges and universities to change student IDs.

"This is a tremendous relief," he said.

Dale Ho, director of the American Civil Liberties Union Voting Rights Project, called the decision a "huge victory for democracy."

"We are glad that the hundreds of thousands of voters that would have been disenfranchised by this law are no longer going to be affected had it gone into effect," he said.

But David Almasi, executive director for the National Center for Public Policy Research, a Washington, D.C.-based group which backed the law, believes the issue will end up before the state's highest court.

"We've seen places that this has been enforced like Georgia where this has been enacted and practiced and there has been an increase in minority voting," he said. "This law has never been given the opportunity to be in place in Pennsylvania. We have never seen the terrible things that they say will happen . . . People are burdened by a lot of things -- to go on an airplane, to go into a government building. It's something you need to have in the 21st century. People are signing up for Obamacare with IDs, why don't we require them for something as simple as voting."

Pennsylvania was one of 31 states with some form of voter ID measure in place; and one of only a handful to require it to be a photo ID.

Supporters contend the law would prevent voter fraud.

But the judge wrote that there was "no evidence of the existence of in-person voter fraud in the state or that in-person voter fraud was likely to occur in the upcoming election."

"Respondents also failed to establish a nexus between photo identification -- showing voters are who they say they are, and the integrity of elections -- when prior elections accepted a number of types of proof to verify identity," McGinley wrote. "The burdens the Voter ID Law entails are unnecessary and not narrowly tailored to serve a compelling governmental interest. And the record is rife with testimony from numerous Pennsylvania voters whose right to vote will be -- and indeed already has been -- denied or substantially and unnecessarily burdened by the Voter ID law."

The controversial law has languished in a legal limbo since Corbett, a Republican, signed it in March 2012.

Corbett's office has not returned calls seeking comment.