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Thank you for your interest in the report. We hope it will assist you in your efforts to ensure the voting rights of homeless persons.

**Voter Registration and Voting:
Ensuring the Voting Rights of Homeless Persons**

**A Report by the
Civil Rights Program of the
National Law Center on Homelessness & Poverty**

July 2004

1411 K Street, NW, Suite 1400
Washington, DC 20005
Phone: 202-638-2535
Fax: 202-628-2737
www.nlchp.org

ABOUT THE NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

The National Law Center on Homelessness & Poverty is committed to solutions that address the causes of homelessness, not just the symptoms, and works to place and address homelessness in the larger context of poverty.

To this end, we employ three main strategies: impact litigation, policy advocacy, and public education. We are a persistent and effective voice on behalf of homeless Americans, speaking effectively to federal, state, and local policy makers. We also produce investigative reports and provide legal and policy support to local organizations.

You are invited to join the network of attorneys, students, advocates, activists and committed individuals who make up NLCHP's membership network. Our network provides a forum for individuals, non-profits, and corporations to participate and learn more about using the law to advocate for solutions to homelessness. For more information about our organization, membership, and access to publications such as this report, please see the form at the end of this report or visit our website at www.nlchp.org.

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Rebecca Troth
Legal Director
Housing Program Attorney

Laurel Weir
Policy Director

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PREFACE

This report is designed to provide accurate and authoritative information concerning the legal rights of homeless people with respect to voter registration. In distributing it, the National Law Center on Homelessness & Poverty (NLCHP) is not rendering legal or other professional services. If you are not an attorney and require legal advice concerning a particular question or problem related to one or more of the points discussed in this report, you should contact an attorney who can advise you concerning that particular matter. If you are unable to secure assistance from an attorney, staff at NLCHP may be able to provide you with an appropriate referral.

The National Law Center on Homelessness & Poverty is monitoring potential violations of homeless people's right to register and vote by state or local election officials. If you are aware of state election laws or state or local regulations, policies, or practices that appear to violate the legal rights of homeless people discussed in this report, please document the violations on the survey available on NLCHP's website. NLCHP will be gathering documentation to evaluate possible legal actions.

EXECUTIVE SUMMARY

The right to vote has long been recognized as a fundamental right in our country. The ability of each citizen to participate in our democracy through elections ensures that every person has a role in shaping the policies of our communities and nation. Unfortunately, as our election system has become more complex, certain elements make it difficult for some members of our society to exercise this important right.

Homeless persons face barriers in registering and voting because they lack a stable residence or identification documents. Such barriers can disenfranchise homeless people. Historically, states have made it difficult for persons not residing in "traditional dwellings" to vote. While case law, state statutes, and state advisory opinions have dramatically reduced this legal barrier, the practical effect of not having a traditional dwelling still means that homeless people are at a substantial disadvantage when registering and voting. Obstacles include durational residency requirements, mailing address requirements, identification requirements, the manner in which voter registration lists are purged, and the impact of felony convictions upon voting rights.

The National Law Center on Homelessness & Poverty (NLCHP) has tracked the development of the laws that affect the voting rights of homeless people. In this second report on the topic, NLCHP lays out the voting rights of people experiencing homelessness, barriers faced by such persons when registering and voting, and strategies to overcome those barriers. NLCHP also provides recommendations for policy-makers on ways to improve registration and voting systems to ensure homeless persons are not unjustly disenfranchised. Finally, the report specifically notes the potential impact of the new federal voting legislation, the Help America Vote Act ("HAVA"), which Congress enacted in 2002 in response to voting irregularities in the 2000 election. The upcoming election will be the first time the country will witness the practical impact of HAVA's provisions.

Many Americans of voting age experience homelessness.

- More than 3.5 million men, women, and children will experience homelessness in a given year.
- Approximately 60 percent, or 2.1 million, of people experiencing homelessness are of voting age.

Federal and state laws create obstacles to registering and voting.

- Twenty-eight states have durational residency requirements of 20 days or more before an election. Since homeless people are subject to shelter policies that limit stays to certain timeframes, police “sweeps,” and other contingencies which require frequent involuntary re-location with little or no advance notice, establishing residency may be particularly difficult for homeless individuals.
- Thirty-five states have mailing address requirements. Homeless people have difficulty providing a mailing address because they do not have a traditional dwelling, may have difficulty finding a place where they can receive mail, and they may not be able to access post office boxes or general mail delivery, due to cost or accessibility.
- All states require some sort of identifying information or documentation to register and/or vote, even while many state laws make it difficult or impossible for homeless persons to obtain identification cards. In addition, homeless persons may not be able to afford the fees to get an ID and have difficulty maintaining the documents required to get an ID, since they are frequently involuntarily moved from shelters or public spaces or may have their belongings confiscated and destroyed in police sweeps.
- Thirty-three states remove names from registration lists when voters fail to vote in elections or respond to mailings confirming continued eligibility. Since homeless persons have difficulty receiving mail and may not vote in several consecutive elections, they risk being removed from registration lists.
- Forty-eight states disenfranchise individuals while incarcerated, with 8 states permanently disenfranchising those convicted of felonies, unless and until they are pardoned. According to a survey of shelter and service providers, approximately 18 percent of their homeless clients had spent time in a state or federal prison.

Despite the obstacles created by some state and federal laws, homeless persons can use strategies listed in this report to ensure their ability to vote. First and foremost, homeless persons have existing rights that are guaranteed by the Constitution and federal and state statutes. Knowledge of those rights can be a very important tool when dealing with election officials and poll workers.

The information in this Report is intended to help homeless persons vote. The Report explains:

- State laws that allow homeless persons to register and vote, even though they do not live in a traditional dwelling.
- Individual state registration deadlines, which may be as long as 30 days before the election.
- The importance of identifying the addresses of shelters, churches, government offices, or other locations where homeless persons can check their mail regularly.
- Legal provisions that allow people who move within certain geographical areas during an election period to vote, even if they have not provided advanced notice to election officials of the move.
- How homeless people can meet new identification requirements.
- How to avoid burdensome identification requirements for first time mail-in registrants by registering in person.
- Resources on how to become a voter registration agent or agency.
- Ideas for monitoring the impact of mailing address requirements and new identification requirements to ensure that homeless persons are not unconstitutionally disenfranchised.
- Ways to avoid losing voter registration through purges of registration lists.
- State-by-state information about the possible impact of felony convictions on the right to vote, and how that right, if lost, may be restored.
- Ways to use the political process so that governmental representatives can help make voting more accessible for people experiencing homelessness.

Recommendations for policy-makers

- Conduct public education campaigns to inform people who are experiencing homelessness that they do not need a traditional dwelling to vote.
- Establish mailing address alternatives for people who are homeless, such as mail delivery to accessible city governmental offices.
- Encourage the United States Postal Service to allow no-fee post office boxes for homeless people and offer the general delivery option at more postal offices per city, with a larger window for times to pick up mail.
- Amend state laws that impose stringent identification requirements for registering or voting, since homeless people often have difficulty meeting those requirements.
- Conduct public education campaigns that notify people with criminal records what types of convictions will result in disenfranchisement and how to restore voting rights.
- Ensure that state boards of elections are properly training election officials and poll workers and posting information about voting procedures at polls.

By providing the voting rights information in this report, NLCHP hopes to help people experiencing homelessness exercise their fundamental right to vote, and give a voice to those who have gone unheard for too long

I. INTRODUCTION

This analysis of the key legal issues affecting the ability of homeless persons to register and vote as of June 2004 is intended to help homeless persons exercise their voting rights. Federal statutory and constitutional law, as well as the laws and policies of the 50 states and the District of Columbia, are surveyed in the “State by State Summary of Voting Rights Issues Significant to Homeless Persons” (Appendix A). However, in such a rapidly changing area of law this snapshot in time must be evaluated further by checking both state and federal sources for updates to the laws and policies affecting voting rights of homeless persons, especially in light of ongoing state implementation of the new federal voting law. This analysis does not constitute legal advice, which can be provided only by application of the relevant state and federal law to particular facts at a particular point in time.

Federal statutes and the Constitution provide considerable protection against state and local laws that have historically restricted the rights of homeless persons to register and vote. Indeed, the primary impediment to voting for homeless persons – the requirement that voters reside in a traditional dwelling – is now virtually extinct. Both the National Voter Registration Act of 1993 (“NVRA” or the “Motor-Voter Act”) and the Help America Vote Act of 2002 (“HAVA”) create federal protections that will assist homeless persons in asserting their voting rights. Unfortunately, these statutes – and HAVA in particular – also permit or even codify certain obstacles to their ability to assert those rights.¹ The upcoming fall 2004 election is the first time the country will witness the impact of the HAVA provisions on our election systems.

A. NVRA and HAVA

Congress adopted NVRA as part of an effort to expand voting and voting rights by facilitating both registration and voting. Many of its provisions facilitated voting by homeless persons. NVRA provides states with specific guidelines for administering voter registration; for instance, a requirement that states provide three avenues for voter registration. The first, “motor voter registration,” allows individuals to complete voter registration when they apply for or renew their driver’s license.² The second, agency-based registration, requires states to provide voter registration services in designated state offices.³

¹ NVRA has been codified at 42 U.S.C. § 1973gg, *et seq.* (1993), and HAVA has been codified at 42 U.S.C. §§ 15301-15545 (2002). The impact of NVRA on voting rights of homeless persons is discussed in detail in the National Law Center on Homelessness & Poverty memorandum, “Voter Registration: The Legal Rights of Homeless People” (August 1996). This report updates that discussion to include HAVA and other developments since NVRA, as well as providing basic information on NVRA.

² 42 U.S.C. § 1973gg-3.

³ Designated offices include those that provide public assistance and services to persons with disabilities. Voter registration agencies may also include state or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and

The final, mail-in registration, requires states to accept mail-in registration forms.⁴ Each of these methods is intended to increase the number of eligible voters by making voter registration easier.

In addition to specifying different ways to register to vote, NVRA also limits state power to remove voters from registration lists. For example, NVRA prohibits a state from removing a voter from its registration list due solely to his or her failure to vote. In addition, NVRA stipulates that a voter may be removed from a state registration list only at the voter's request, due to his or her criminal conviction, upon death or mental incapacity, or due to a change of address. By making voter registration more accessible, the NVRA has improved access to voting systems and increased opportunities for all Americans to exercise their fundamental right to vote.

Congress passed HAVA, on the other hand, in response to the systemic malfunctions highlighted by the controversial 2000 presidential election.⁵ Its primary objectives are to ensure that voting systems and procedures provide for accurate recording and counting of votes, while reducing opportunities for voter fraud. Thus, HAVA provides for voter education, voter verification of the ballot and its acceptability before officially casting the ballot, correction of ballot errors, auditing of votes cast, voting systems available to persons with disabilities, alternative language accessibility, and uniform and nondiscriminatory standards for what constitutes a vote in each state.

To ensure that federal elections are both fairer and more accurate in the future, HAVA imposes uniform registration and balloting requirements upon the states. The most important of these provisions—including standards for voting systems technology, procedures for the casting of provisional ballots, and personal identification requirements for applicants—are found in Title III of the Act. To encourage full compliance, Title I provides federal funds that states may use to implement Title III's mandates and to educate voters and poll workers. As a result of this focus on accuracy and voter empowerment, HAVA has been called the most significant voting rights bill since the Voting Rights Act of 1965.⁶ For homeless registrants, however, HAVA creates some additional obstacles when registering and voting.

B. Obstacles to Voting that May Affect Homeless People

While being homeless is not in itself a bar to voting, certain registration and voting requirements create barriers for people experiencing homelessness. Although the NVRA's implementing regulations and corresponding state laws have effectively eliminated residency in a traditional dwelling as a precondition to registration (see Section II *infra*), both the NVRA and HAVA continue to oblige states to require mailing addresses for voter registrants

unemployment compensation offices, as well as federal and nongovernmental offices, with the agreement of such offices. 42 U.S.C. § 1973gg-5.

⁴ 42 U.S.C. § 1973gg-4.

⁵ See Brian Kim, Recent Development, "Help America Vote Act," 40 Harv. J. on Legis. 579, 579 (2003).

⁶ See *id.* at 579.

and to use those addresses to confirm continuing registration. While NVRA and most state laws have narrowed the circumstances under which an individual can be removed from voter registration lists, HAVA explicitly requires that states make a reasonable effort to remove registrants from voter registration lists if they have not responded to a notice mailed to them at the address they provided and have not voted in two consecutive general elections. The requirement to provide mailing addresses and to respond to mailed notices creates a major obstacle for homeless persons, either because they are not able to provide an adequate mailing address or because they are unable to secure and respond to mail sent to an address provided.

In addition to providing mailing addresses, homeless persons registering to vote are also subject to state laws which require advance registration. Potential pitfalls may arise when homeless people move from one jurisdiction to another prior to an election but after the advance registration period has closed. Since homeless people are subject to shelter policies that limit stays to certain timeframes, police “sweeps,” and other contingencies which may require frequent re-location against their wishes with little or no advance notice, advance registration requirements may be particularly problematic.

Personal identification requirements have historically posed problems for homeless persons seeking to register to vote. Many state laws make it difficult for homeless persons to obtain identification cards. First, homeless persons may not be able to afford the fees to get an ID. Further, such persons have difficulty maintaining documents required to get an ID, such as a birth certificate, when they are frequently involuntarily moved from shelters or public spaces or have their belongings confiscated and destroyed in police sweeps. State laws compound the difficulty for homeless persons, by requiring identification to replace identifying documents such as birth certificates.⁷

HAVA imposes minimum identification requirements upon all states that present difficulties for homeless persons. HAVA requires each state to implement a centralized, computerized, and interactive voter registration list with a unique identification number for each registered voter. Any would-be registrant who has a driver’s license must provide that number to register. If the applicant has no driver’s license, the last four digits of the applicant’s Social Security number must be provided. If an applicant has neither a driver’s license nor a Social Security number, the state is to assign the applicant a unique voter registration number. People who have been issued driver’s licenses or Social Security numbers but are unable to provide the numbers will be denied the right to vote, since HAVA mandates that states cannot process voter registration forms when this information is omitted from the form.

More stringent requirements may apply to voters who register for the first time by mail. If a person submits a driver’s license number or Social Security number when registering to vote by mail and the state cannot verify the accuracy of that information, that person must present a current valid photo identification or other specified identifying information to vote. Other

⁷ For a detailed discussion of the difficulties homeless persons face in obtaining photo identification cards, see National Law Center on Homelessness & Poverty, *Photo Identification Barriers Faced by Homeless Persons: The Impact of September 11* (May 2004).

identifying information that may be used in lieu of a photo ID includes 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.⁸ Once again, a homeless person will have difficulty even providing the alternative forms of identifying documents.

Another issue that can affect a person's eligibility to vote is having a criminal record, since some states temporarily or permanently take away the voting rights of people convicted of felonies. According to a survey of shelter and services providers, approximately 18 percent of their homeless clients spent time in a state or federal prison.⁹ Further, as NLCHP has documented in our past civil rights reports, many cities have laws or policies that criminalize the public performance of life-sustaining activities, such as eating, sitting, or sleeping.¹⁰ Since people living on the streets have no choice but to engage in such activities in public, they are frequently arrested under these counterproductive laws and measures. People may not know whether convictions under measures that criminalize homelessness will affect their voting rights. Since most states disqualify individuals from voting only if they are convicted of a felony or a particular type of felony, misdemeanor convictions under laws that prohibit life-sustaining conduct in public likely will not disqualify potential voters. In many states, the voting rights of convicted felons are or may be restored under certain circumstances. For this reason, state election officials should make information available about the limits of disqualifications for criminal convictions and potential avenues for reinstatement of voting rights, if applicable.

C. Overcoming the Obstacles

Despite these potential obstacles, HAVA and NVRA provide some remedies. HAVA requires states to allow individuals to cast provisional ballots if they are unable to demonstrate various requirements for voting at the polls. If an individual asserts that she or he is a registered voter, but the individual's name does not appear on the list of eligible voters or an election official asserts that the would-be voter is ineligible, the voter must be permitted to cast a provisional ballot upon the voter's written statement that she or he is a registered voter in the relevant jurisdiction and eligible to vote in the election. The information is then submitted to a state election official, who will count the vote after determining that the individual is indeed registered and eligible to vote. The individual must be given notice at

⁸ 42 U.S.C. § 15483(b)(2)(A).

⁹ Burt, Martha R. et al. *Homelessness: Programs and the People They Serve* 8-23 (1999).

¹⁰ See NLCHP, *Punishing Poverty: The Criminalization of Homelessness, Litigation, and Recommendations for Solutions* (2003); NLCHP & National Coalition for the Homeless, *Illegal to Be Homeless: The Criminalization of Homelessness in the U.S.* 13 (2002); NLCHP, *Out of Sight, Out of Mind? A Report on Anti-homeless Laws, Litigation and Alternatives in 50 U.S. Cities* (1999); NLCHP, *Mean Sweeps: A Report on Anti-homeless Laws, Litigation and Alternatives in 50 U.S. Cities* (1996); NLCHP, *No Homeless People Allowed: A Report on Anti-Homeless Laws, Litigation and Alternatives in 49 U.S. Cities* (1994); NLCHP, *The Right to Remain Nowhere: A Report on Anti-Homeless Laws and Litigation in 16 U.S. Cities* (1993); NLCHP, *Go Directly to Jail: A Report Analyzing Local Anti-Homeless Ordinances* (1991) (nine cities).

the time of voting about a free access system where the voter can find out if his or her vote was counted or, if not, the reason it was not counted.

Finally, NVRA and HAVA allow civil enforcement actions to make sure states are following their requirements. The NVRA permits an aggrieved person or organization to file a civil enforcement action against a covered state that has violated the Act. HAVA authorizes the Attorney General to bring a civil suit against any state or jurisdiction to force compliance with the Act. HAVA also requires establishment of state-based administrative complaint procedures to remedy individual grievances.

II. POTENTIAL OBSTACLES TO REGISTRATION AND VOTING

A. Residency in a Traditional Dwelling

Traditionally, state laws require that, to register to vote, an applicant must reside within the state and/or the registrar's jurisdiction. In the past, however, most states did not adequately define residency. Given this ambiguity, local officials often construed the residency requirement to require residence in a "traditional" dwelling such as a house or apartment. When strictly applied, this interpretation imposed a substantial obstacle to voter registration on homeless persons, who generally reside in non-traditional dwellings or on the streets. Due to their inability to satisfy state residency requirements, homeless persons were often deprived of their voting rights.

Prior to the enactment of the NVRA, several courts held that the traditional dwelling approach placed an unconstitutional constraint on the voting rights of homeless persons. More specifically, these courts held that the traditional dwelling requirement violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution because it interfered with the fundamental right to vote.¹¹ In addition to the Equal Protection Clause analysis, courts also found that the traditional dwelling approach was inconsistent with the traditional legal definition of "residence." In this analysis, courts held that nothing in the definition of "residence" requires living in a traditional dwelling. Instead, courts adopted a broad interpretation of the term that includes any place, including a non-traditional dwelling, that an individual inhabits with the intent to remain for an indefinite period.¹²

The NVRA regulations explicitly permit the use of a non-traditional residence as a basis for registration. Regulations implementing the NVRA's directive that the Federal Election Commission create a "national mail voter registration form" require instructions that direct an applicant who "has a non-traditional residence" to simply draw a "locational map"

¹¹ Laws that infringe on a fundamental right, such as voting, will be examined under a higher standard, strict scrutiny, by a court. In order for a law to be held constitutional under this higher standard, the law must be narrowly tailored to serve a compelling governmental interest. Because voting is a fundamental right and the traditional dwelling requirement restricts the voting rights of homeless persons, courts have subjected the requirement to a higher standard of review. *Pitts v. Black*, 608 F. Supp. 696, 709 (S.D.N.Y. 1984).

¹² *Pitts v. Black*, 608 F. Supp. at 709; *Collier v. Menzel*, 221 Cal. Rptr. 110, 112 (Cal. Ct. App. 1985); *Fischer v. Stout*, 741 P.2d 217, 221 (Alaska 1987).

showing the specific location in which he or she lives.¹³ Thus, the NVRA regulations and the national voter registration form – which the NVRA requires all covered states¹⁴ to “accept and use . . . for the registration of voters in elections for Federal office”¹⁵ – make clear that homeless residents need not inhabit a traditional residence in order to register to vote.

Moreover, as the chart attached as Appendix A indicates, many states have amended their voter registration statutes or issued advisory opinions that interpret their laws to ensure that an individual’s homeless status cannot be a basis for denying registration. Thus, under the NVRA and the laws of virtually all states, being a homeless person or failing to reside in a traditional residence no longer precludes an individual from registering to vote.

Recommendations

State election officials should conduct public education campaigns to inform people who are experiencing homelessness that they do not need a traditional dwelling to vote. In order to reach people who are homeless, state boards of elections should disseminate this information through posters posted in public places, billboard advertisements, and mailings to service providers for homeless persons. Governmental officials should make sure that trainings for registration agencies and poll workers include information on the state law concerning the ability of homeless persons to register and vote. Further, elections officials should train registration agencies on how to help homeless persons designate their place of residence on registration forms.

Advocates and service providers can help homeless people overcome a major obstacle by informing them that they are able to register and vote, even though they may not live in a traditional residence. Further, advocates and service providers can help encourage state election officials to ensure that registration officials and poll workers are aware that homeless persons are eligible to register and vote. To obtain a fact sheet or other materials to provide to election officials, contact NLCHP.

B. Mailing Address Requirements for Voter Registration

Many states require that registrants provide a valid mailing address for voter registration. The mailing address requirement allows states to update and verify voter information by mail. However, this requirement may impose additional burdens on homeless persons in the voter registration process. Many homeless persons do not have an address to which mail can be delivered. Unfortunately, shelters and government offices frequently will not allow people to receive mail at those locations. In addition, the United States Postal Service

¹³ 11 C.F.R. §§ 8.1-8.7 (2004).

¹⁴ The NVRA exempts states that either did not have voter registration or permitted election day registration as of August 1, 1994. See 42 U.S.C. § 1973gg-2(b). North Dakota, Wisconsin, Minnesota, Wyoming, Idaho, and New Hampshire are exempt from the NVRA.

¹⁵ 42 U.S.C. § 1973gg-4(a)(1)(1993).

charges fees for post office boxes and only allows general mail delivery at central post office locations, with very short windows during the workday for mail pick-up.¹⁶

In the event that homeless people are able to use the address of a shelter, service provider, church, or government office for voter registration purposes, even after they have identified such an address, they face the additional burden of visiting those places on a regular basis. Moreover, if homeless persons fail to vote in two or more consecutive federal elections and fail to respond to formal voter notices sent to these locations, they may be removed from the registration list and prevented from voting in the next election. (*See infra*)

Despite the challenges that the mailing address requirement poses for homeless persons, the validity of the requirement under the federal Constitution and applicable state laws has yet to be tested. However, a challenge could be successful if homeless people are unable to identify an individual or organization willing to accept mail on their behalf. If homeless persons are unable to obtain a valid mailing address through reasonable effort, then the mailing address requirement would impose a substantial burden on their right to vote. In this situation, the argument would be that states can use a less restrictive method of updating and verifying voter information, one that does not impose an unconstitutional burden on a particular group. For example, states could allow homeless persons to specify a government office or a reliable “contact point” as their mailing address.

If a state administers the mailing address requirement flexibly, it becomes more difficult to challenge the requirement on constitutional grounds because a flexible mailing address requirement does not necessarily preclude homeless persons from registering to vote. Instead, the requirement may only make it more difficult for homeless persons to remain registered. If a court were to determine that the state had administered the address requirement reasonably, it is unlikely that it would invalidate the requirement. Whether mailing address requirements will continue to be required to register to vote will depend on whether such a requirement could withstand a constitutional challenge.

For now, to satisfy the mailing address requirement, homeless persons must first find an individual or organization with a valid mailing address willing to accept mail on their behalf. In addition, they must be able to check their mail regularly to respond to formal notices affecting their voter status.

Recommendations

Policy-makers at the state and federal level should urge the United States Postal Service to allow no-fee post office boxes for homeless people and the general delivery option at more postal offices per city, with a larger window for times to pick up mail. Local governments should establish mailing address alternatives for people who are homeless, such as mail

¹⁶ The legality of the United States Postal Service’s failure to adequately provide postal service to homeless persons is currently being reviewed by the Ninth Circuit Court of Appeals in *Currier v. Henderson*, 190 F. Supp. 2d 1221 (W.D.Wash. 2002), *appeal docketed* No. 02-035232 (9th Cir. Feb. 28, 2002).

delivery to accessible city governmental offices. For example, some states allow people to receive mail at courthouses or county clerks' offices. Having access to a mailing address will not only help people with voter registration, but allow them access to a whole host of benefits that come with being able to receive mail.

Advocates and providers can help address the problems surrounding mailing address requirements by urging state and local officials to find viable mailing address options for people experiencing homelessness. If a significant portion of the population is unable to vote due to the mailing address requirement, elected officials should be concerned that a number of potential voters are being disenfranchised.

Well in advance of registration deadlines, homeless individuals will need to identify the addresses of shelters, churches, government offices, or other locations where they can check their mail regularly. By identifying such entities, they can effectively reduce the number of obstacles they face in registering and retaining the right to vote.

The impact of mailing address requirements upon homeless people should be monitored and documented. If homeless people are being denied the right to register to vote, because they cannot provide a mailing address, laws imposing this requirement could be subjected to legal challenges in court. Contact NLCHP if people in your area are unable to vote due to this requirement. Please see NLCHP's website for a form to use when documenting problems.

C. Impact of the Mobility of Homeless Voters

At present, most states have registration deadlines that require voters to register prior to the date of an election. The majority of these states require registrants to submit their voter applications approximately 30 days prior to the election. Such deadlines are implicitly endorsed by both the NVRA and the Voting Rights Act Amendments of 1970, which prohibit states from closing voter registration more than 30 days in advance of an election. In addition, the Supreme Court has expressly approved both 30-day and 50-day registration deadlines, finding that 30-day and 50-day deadlines should be sufficient for the state to perform any "administrative tasks [that] are necessary to prevent voter fraud."¹⁷ However, the Court has also suggested that the 50-day deadline likely represents the outer constitutional limit for voter registration deadlines.¹⁸ Given that registration deadlines are endorsed by both the Supreme Court and NVRA, it is likely that any challenge of an advance-registration deadline of 30 days or less will be unsuccessful.

Some states also impose durational residency requirements, which require applicants to reside in the state or election district for a prescribed period of time in order to be eligible to vote. Like registration deadlines, these durational residency requirements are intended to reduce voter fraud and facilitate informed voting. However, the Supreme Court has held that durational residency requirements longer than 50 days may unconstitutionally infringe upon the right to vote and the right to travel. In *Dunn*, for example, the Supreme Court invalidated a Tennessee law that required one-year residence in the state and three-month residence in

¹⁷ *Dunn v. Blumstein*, 405 U.S. 330, 348 (1972).

¹⁸ *Burns v. Fortson*, 410 U.S. 686, 687 (1973).

the county as a precondition to voter registration.¹⁹ The Court indicated that there were less restrictive methods of preventing voter fraud and facilitating informed voting, and suggested that a 30-day residency requirement would be sufficient to achieve the state’s interest in reducing voter fraud.²⁰ In *Marsh v. Lewis*, the Court upheld Arizona’s 50-day residency requirement, as necessary to serve the state’s interest in maintaining accurate voter lists.²¹ However, the 50-day residency requirement likely represents the outer constitutional limits on the permissible length of state durational residency requirements.

Most states have either changed or eliminated their durational residency requirements to comply with the decision in *Dunn*. As a result, most states currently have durational residency requirements of 30 days or less.

Registration deadlines and durational residency requirements raise several issues for homeless persons. First, homeless persons may be forced to involuntarily relocate due to shelter stay limits, police sweeps, or other events beyond their control. Such relocations could interfere with their ability to meet durational residency requirements, thus rendering them ineligible to register to vote. Second, if an individual moves to an election district after the registration deadline has passed, the individual may be unable to vote at the polling location for that district during the next election. In addition, these individuals are prevented from voting in their previous election district because they no longer meet the residency requirement for that district. This circumstance can be particularly burdensome for homeless persons, who may not have stability in where they live and often have limited choice in deciding when and where they move.

In all states, registrants who move within the same “registrar’s jurisdiction” and the same congressional district during an election period are still able to vote in that area in a federal election.²² Under the NVRA, a registrant who changes addresses within a territory served by the same polling place as his or her previous voter address should be able to vote at the same polling location. However, the registrant will only be eligible to vote at the polling location “upon oral or written affirmation . . . of the change of address.”²³ Thus, under the NVRA,

¹⁹ *Dunn*, 405 U.S. at 330.

²⁰ *Id.*

²¹ *Marsh*, 410 U.S. 679.

²² 42 U.S.C. § 1973gg-6(e). “Registrar’s jurisdiction” is defined as a city, town, borough, municipality, or a jurisdiction of a county, parish, or other unit that governs a larger territory, if voter registration is maintained by a governmental entity that governs an area larger than a city. “Registrar’s jurisdiction” can also mean the territory of several municipalities, if voter registration is maintained by an entity that governs registration for those areas. 42 U.S.C. § 1973gg-6(j). Since these provisions guaranteeing a person’s ability to vote apply only to moves within both the same “registrar’s jurisdiction” and the same congressional district, the move would have to be within the geographical area covered by both the registrar’s jurisdiction and the congressional district. Note that some large cities have multiple congressional districts and each state may define “registrar’s jurisdiction” differently. See the “Resources” section of this report for a website where you can find out more about geographical boundaries of congressional districts.

²³ 42 U.S.C. § 1973gg-6(e)(1).

registrants are not required to provide election officials with advance notice that they have changed addresses within the territory covered by the same polling place.

If a registered voter moves to a new location within the same “registrar’s jurisdiction” and congressional district serviced by another polling location, the state must provide the registrant with three options. Under the first option, the state must allow the registrant to update the address information at the former polling place and then vote at that location.²⁴ However, to be eligible to vote, the registrant must affirm the new address orally or in writing.²⁵ Conversely, under the second option, the state must allow the registrant to update his or her address information at a central location and then vote at that location.²⁶ Under this option, to qualify to vote, the registrant must affirm the new address in writing. Finally, under the third option, the state must allow the registrant to update his or her address information at the “appropriate polling place for the current address” and, if permitted by state law, to vote at that location.²⁷ Under this option, to be eligible to vote, the registrant must confirm the new address information “by such means as are required by law.”²⁸ The NVRA generally allows registrants to choose between these three alternatives.

Recommendations

Election officials should ensure that poll workers are familiar with the NVRA provisions that allow people who move within certain areas to vote in the above ways. Further, election officials should disseminate information about the geographical areas covered by polling places, “registrar’s jurisdictions,” and congressional districts to poll workers and the general public.

People wishing to register to vote should be aware of state registration deadlines. (*See* Appendix A for state-by-state listing of deadlines.) If a person has moved recently, that person should update his or her voter registration information. Even if people move between the time period of the close of registration and the election, they should still try to vote, since they may still be able to vote according to the NVRA provisions above. If people encounter problems at the polls due to not being on a poll’s registration list, they still may cast a provisional ballot. The provisional ballot may or may not be counted depending on the voter’s eligibility to vote in that jurisdiction. (*See infra*)

D. Personal Identification Requirements

HAVA, in its effort to ensure the accuracy of the country’s voting rolls, creates a fairly rigid system in which potential voters in federal elections are required to provide specific identifying information to exercise their right to vote. Specifically, HAVA requires (1) all voter applicants who have a driver’s license or who have ever been issued a Social Security number to provide those numbers at the time of registration; and (2) first time voters who register by mail must provide additional specific documentation to establish their addresses,

²⁴ 42 U.S.C. § 1973gg-6(e)(2)(A)(i).

²⁵ *Id.*

²⁶ 42 U.S.C. § 1973gg-6(e)(2)(A)(ii)(I).

²⁷ 42 U.S.C. § 1973gg-6(e)(2)(A)(i)(II).

²⁸ *Id.*

if the state cannot verify that information by using the voter's driver's license number or Social Security number provided at registration. Both of these provisions pose significant obstacles for homeless voters. In the first instance, homeless persons who have a Social Security number are now charged with knowing it. Ironically, a homeless person who has never been issued a Social Security number is better positioned to register in person under HAVA, since he or she does not need to provide an identifying number and, depending on state law, may be able to avoid the identification requirements imposed upon first time mail-in registrants. On the other hand, HAVA's documentation requirements for first time mail-in registrants virtually foreclose the ability of homeless applicants to register by mail if they do not have Social Security numbers or driver's licenses, since such individuals must present a form of identification at the polls when voting.

1. Personal Identification Requirements Applicable to All Applicants

HAVA requires states to implement "a single, uniform, official, centralized, interactive computerized statewide voter registration list . . . that contains the name and registration information of every legally registered voter in the [s]tate and assigns a unique identifier" to each voter.²⁹ HAVA further established a hierarchy of three categories of "unique identifiers" that must be provided by all registrants when registering to vote. At the first level, any applicant who has been issued a current and valid driver's license is required to provide his or her license number.³⁰ At the second level, if the applicant does not have a current valid driver's license, but has a Social Security number, the applicant must provide the last four digits of that number.³¹ Finally, a special rule applies only to applicants who have neither a current and valid driver's license nor a Social Security number. For that group of applicants, HAVA requires the state to assign the applicant an identifying number for voter registration purposes.³²

Significantly, HAVA **prohibits** the state from "accept[ing] or process[ing]" an application for voter registration unless the applicant has provided the requested information.³³ Thus, any applicant with a valid and current driver's license **must** provide the number at the time of

²⁹ 42 U.S.C. § 15483 (2002). The effective date for the personal identification requirements governing all applicants is January 1, 2004. *Id.* § 15483(d)(1). A state may, however, seek a waiver of that deadline from the Election Commission "for good cause" to get their computerized system up and running until January 1, 2006. *Id.* As of April, 2004, 44 states had requested such waivers. *See* U.S. Election Assistance Commission, Annual Report Fiscal Year 2003, available at <<http://www.eac.gov/docs/2003%20Annual%20Report.pdf>> (April 2004). Practically, many states have already enacted legislation that imposes the HAVA ID requirements upon registrants, even if those states have obtained a waiver until 2006 to get their computerized system running. Therefore, registrants and voters still need to meet the HAVA ID requirements, even if their state does not have a computerized voter registration list working.

³⁰ 42 U.S.C. 15483(a)(5)(A)(i)(I).

³¹ *Id.* at § 15483(a)(5)(A)(i)(II).

³² *See id.* at § 15483(a)(5)(A)(ii).

³³ 42 U.S.C. § 15483(a)(5)(A)(i)(2002).

registration or the application will not be accepted or processed. Likewise, any applicant who has ever been issued a Social Security number, but who does not have a driver's license, **must** provide the last four digits of that number or the application will not be accepted or processed.

HAVA requires the state to verify the information contained in a completed application once accepted. It provides: "The State shall determine whether the information provided by an individual is sufficient to meet the requirements [of § 15483(a)(5)(i) and (ii)], in accordance with State law."³⁴ Indeed, the statute expressly directs the chief election official of each state to enter into an agreement with the head of the motor vehicle authority to match information provided by applicants for voter registration.³⁵ The head of the motor vehicle authority must enter into a similar information-sharing agreement with the Social Security Commissioner.³⁶

HAVA's personal identification requirements may further the goal of minimizing voter fraud but also create substantial barriers for a large portion of the nation's homeless population. Most significantly, any homeless person who has ever been issued a Social Security number must provide that number or be denied the right to vote. Homeless persons may be more likely than other applicants to have difficulty maintaining and accessing personal documentation such as a Social Security card, which would enable them to recall their Social Security numbers. Maintaining personal documents and belongings is difficult for a homeless person who may be subjected to police sweeps or is forced to constantly move belongings from place to place due to limited shelter hours and lack of adequate storage space for those belongings. Yet, as discussed above, if someone has a Social Security number but does not provide it – for whatever reason – the state may not even accept the application.

HAVA's emphasis on accurate registration lists and the fact that its prohibitions and requirements are only minimum standards applied to the states (rather than individual voters) also encourages states to impose even more stringent identification requirements. HAVA specifies that it sets out "minimum requirements" and does not "prevent a [s]tate from establishing election technology and administration requirements that are more strict," as long as they are uniform and non-discriminatory and otherwise comply with federal law.³⁷ As the Department of Justice says, "nothing in HAVA prevents states from adopting stricter or additional identification procedures."³⁸

For example, while HAVA does not generally require applicants to produce driver's licenses or Social Security cards to election officials, some states do. Such a requirement would simplify the election official's task under HAVA of ensuring the validity of such information. But homeless persons, who are forced to move their belongings on a regular basis, may well have difficulty producing a copy of either card.

³⁴ 42 U.S.C. § 5483(a)(5)(A)(iii)(2002).

³⁵ *Id.* at § 15483(a)(5)(B)(i).

³⁶ *Id.* at § 15483(a)(5)(B)(ii).

³⁷ 42 U.S.C. § 15484 (2002).

³⁸ *See* Department of Justice, Civil Rights Division, Voting Section Home Page, available at <http://www.usdoj.gov/crt/voting/misc/faq.htm> (last visited June 7, 2004).

HAVA does not require any form of picture identification in the absence of a state-issued driver's license. In the wake of HAVA, however, several states have imposed such a requirement. In Texas, for example, an applicant without a valid driver's license must obtain a non-driving identification card from the state department of motor vehicles and provide that number as his or her "unique identifier" for voter registration purposes.³⁹ However, as mentioned previously, some state laws make it impossible for homeless people to obtain IDs. If a state law requires a person to have an ID in order to vote, but makes it impossible to obtain one, the law could be imposing an unconstitutional burden on the person's right to vote.

In sum, HAVA's system for maintaining accurate voter registration lists through personal identification requirements applicable to all voters may better prevent voter fraud, but not necessarily in the least restrictive way possible. Depending on the practical impact of these requirements, state laws enacted pursuant to HAVA provisions could be a substantial barrier for a significant number of eligible voters in this country.

2. Personal Identification Requirements Applicable to Mail-In Registrants

HAVA also sets out personal identification requirements for two groups of voters who register to vote by mail.⁴⁰ The first group includes registrants who have not previously voted in an election for federal office in the state.⁴¹ The second encompasses registrants who have not previously voted in an election for federal office in that jurisdiction and who are seeking to vote in a state that has not established a centralized registration list under § 15483(a). Pursuant to the Act, a registrant from either group seeking to vote in person must present to the appropriate election official either 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.⁴²

However, there are two ways mail-in registrants can avoid the requirement of presenting personal identification at the polls under HAVA. First, if the registrant submits a copy of one of the two forms of identification with his or her application, duplicate documentation is not required at the polls.⁴³ Second, additional documentation is not required if registrants submit either their driver's license numbers or the last four digits of their Social Security numbers

³⁹ See Tex. Elec. Code § 13.122. Similar requirements exist in Nebraska and Montana. See R.R.S. Neb. 32-312; Mont. Code Ann. § 13-2-110(5) & (6)(b).

⁴⁰ The personal identification requirements for mail-in registrants, located in § 15483(b) of the Act, are applicable to the states on January 1, 2004, and to any individual who registers to vote on or after January 1, 2003. See 42 U.S.C. § 15483(d)(2) (2002). Waivers are not available.

⁴¹ 42 U.S.C. § 15483(b)(1) (2002).

⁴² See *id.* at § 15483(b)(2)(A). A registrant from either group who votes by mail also must submit a copy of one of these two forms of identification with his or her mail-in ballot. *Id.*

⁴³ *Id.* at § 15483(b)(3)(A).

with their applications and the accuracy of the information is verified by an appropriate election official.⁴⁴

Homeless individuals may not find mail-in voter registration a viable option, due to difficulties obtaining mail-in registration forms and paying for postage. However, if a homeless person who is a first time voter were to register by mail, the HAVA ID requirements could pose problems. Homeless voters may lack a current valid photo identification card. Moreover, they are unlikely to possess an alternative form of identification—which must show the voter’s address— since they most likely do not live in a traditional dwelling. Even if they live in a homeless shelter and therefore have an address, they will not have a current utility bill. They likely will not have bank statements or paychecks of any sort showing a residence address. While the catchall permitting the applicant to present any “other government document” showing the applicant’s address may be helpful for some homeless applicants, what qualifies in that category is not defined and will be subject to interpretation by each state election official.

Exemptions from the requirement to provide this documentation at the polls may not substantially benefit homeless applicants. First, homeless applicants who are unable to provide documentation at the polls probably could not provide a copy with their applications. The second exemption is helpful to homeless applicants who have Social Security numbers if they are able to provide the number and if the state’s centralized registration list is up and running. This exemption excuses an applicant who has provided a driver’s license or Social Security number from presenting identifying documents if the state can verify the applicant’s identity through state records.⁴⁵ HAVA specifies that a first-time voter who registered by mail and fails to provide the required personal identification documentation at the polls must nevertheless be allowed to cast a provisional ballot.⁴⁶ (*See infra*)

Ultimately, the second above exemption may lead to first time mail-in registrant identification requirements being rarely imposed. Once the states’ centralized databases are working, only individuals who do not have driver’s licenses and Social Security numbers will have to provide identifying documents.

Recommendations

First and foremost, state law-makers should amend laws that make it so difficult for homeless persons to obtain IDs. If homeless persons were able to obtain identification more easily, a whole host of difficulties would be solved for them.⁴⁷ In addition, state law-makers should

⁴⁴ Mail-in registrants are also exempt from the requirement of providing personal identification at the polls if they are entitled to vote by absentee ballot under a particular provision of the Voting Accessibility for the Elderly and Handicapped Act, which may affect homeless persons; or under any other federal law. *See id.* § 15483(b)(3)(C).

⁴⁵ 42 U.S.C. § 15483 (2002).

⁴⁶ 42 U.S.C. § 15301-15545.

⁴⁷ For recommendations on how to improve procedures to obtain IDs, see National Law Center on Homelessness & Poverty, *Photo Identification Barriers Faced by Homeless Persons: The Impact of September 11* (May 2004).

amend state laws that impose even more stringent identification requirements than HAVA for registering or voting, since homeless people often have difficulty meeting those requirements. States should try to find alternative ways for persons without identification to prove their identity. Some states allow people without identification to vote after signing an affidavit swearing to their qualifications as a voter in that district. Other states allow registered voters or election officials to sign affidavits swearing to the qualifications of another voter who cannot present identification.

Although HAVA's documentation requirements impose additional burdens upon homeless applicants, with correct preparation, homeless registrants and voters may be able to overcome any barriers. Since first-time mail-in registration imposes identification requirements that may be impractical and unavailable for homeless persons, individuals experiencing homelessness should register to vote in person. Advocates and service providers can help homeless persons register in person by becoming designated registration agencies through procedures set out by your state board of elections.⁴⁸ As a voter registration agency, providers and advocates would need to comply with requirements set out by NVRA § 1973gg-5 and any state laws. If your group cannot qualify as an official voter registration agency, you can contact an agency already approved to do voter registration and have it conduct voter registration at your organization or another convenient location for homeless persons.

In addition, homeless persons need to obtain necessary identification information, such as a driver's license number or Social Security number. Homeless persons should be aware that they need to provide their driver's license number, if they have a license. If they do not have a driver's license, they need to obtain their Social Security number. Providers should help people locate documents that contain their Social Security number. Instead of going through the procedures to obtain a new Social Security card, persons who have lost their card or forgotten their number may be able to get a print out of their Social Security number by visiting the local Social Security Office, providing their name, and answering a series of personal questions the office has on file. This strategy seems particularly useful given that verification of either a person's Social Security number or driver's license number by the state will exempt a first time mail-in registrant from the other identification requirements.

Finally, the effects of these provisions should be monitored and documented to determine if they unconstitutionally disenfranchise large numbers of homeless persons. If so, these provisions potentially could be subject to a constitutional challenge. Contact NLCHP if people in your area are unable to vote due to identification requirements. Please see NLCHP's website for a form to use when documenting problems.

⁴⁸ If you are a non-profit agency interested in registering your clients, please refer to the National Coalition for the Homeless 2004 Voting Rights Manual at <<http://www.nationalhomeless.org/vote2004/index.html>> This web site provides social service agencies guidelines for how to facilitate voter registration. Also see the National Low Income Housing Coalition's web site for information about its voter registration initiative at <<http://www.nlihc.org/vrem/>>.

E. Removal of Names from Voter Registration Lists

Under NVRA, states are required to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of” a registrant’s death or change of residence.⁴⁹ Prior to the NVRA’s passage, states typically removed a registrant’s name if the registrant requested removal or if the registrant failed to respond to a mailed residence verification notice. While failure to respond to a residence verification notice remains necessary for removal under NVRA, it is no longer sufficient. Rather, NVRA authorizes removal only when a registrant fails to respond and the registrant “has not voted or appeared to vote . . . in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for [f]ederal office that occurs after the date of the notice.”⁵⁰ An amendment to NVRA, enacted as part of HAVA, clarifies that state officials may indeed remove registrants who have neither responded to the residence verification notice nor voted in two or more consecutive elections for federal office.⁵¹

Recommendations

Once again, local officials should designate accessible offices for homeless people to receive mail. As mentioned previously, state and federal governmental representatives should urge the United States Postal Service to make postal service more accessible for homeless persons. By gaining access to a consistent and accessible place to receive mail, homeless person will be able to respond to voter registration notices more easily.

Because involuntary registrant removal is triggered in part by the registrant’s failure to return a residence verification notice, it is important that registrants check their mail on a regular basis. This poses obvious problems for homeless people, who may have no choice but to provide the address of a shelter or friend for registration purposes. Accordingly, homeless registrants should obtain mailing addresses to which they have frequent access, if possible, and should check their mail on a regular basis. In addition, homeless registrants should be aware of the importance of notifying their local voting registrars of any changes in their mailing addresses. Ensuring that homeless registrants update this information is important not only because it will reduce the likelihood of involuntary removal, but also because registrants who fail to respond to a residence verification notice may be required to provide affirmation or confirmation of their address at the polling place when they next attempt to vote.⁵² Providing such affirmation or confirmation will likely be especially burdensome for homeless registrants, as they may lack the documentation available to registrants who live in traditional dwellings, as mentioned previously. Homeless voters who vote in every election

⁴⁹ 42 U.S.C. § 1973gg-6(a)(4).

⁵⁰ 42 U.S.C. § 1973gg-6(d)(B). Typically, two general elections for federal office would cover a four-year period. NVRA also restricts the ability of states to remove names from their registration lists by setting out stringent requirements for the content and form of the residence verification notice. *See id.* § 1973gg-6(d)(2).

⁵¹ *See* 42 U.S.C. 1973gg-6(b)(2)(1993)(amending § 8(b)(2) of NVRA).

⁵² 42 U.S.C. § 1973gg-6(d)(2)(A).

can avoid involuntary removal but they may nevertheless face the affirmation or confirmation requirements if they fail to respond to residence verification notices.

F. The Effect of a Conviction on the Right to Vote

HAVA also requires that state election officials “coordinate the computerized list [required under § 15483(a)] with state agency records on felony status.”⁵³ However, HAVA does not affect state law governing the specific crimes for which an individual may be disenfranchised. Since many persons leaving jail or prison end up homeless,⁵⁴ and homeless persons may be subjected to the criminal justice system as a result of laws that criminalize the public performance of life-sustaining activities, state laws addressing the effect of a criminal conviction on the right to vote have been surveyed. *See State-by-State Summary of Voting Rights Issues Significant to Homeless Persons, Appendix A.*

All states except Maine and Vermont either permanently or temporarily disenfranchise those who are convicted of any felony or certain types of felonies. Some states disenfranchise individuals who are convicted of a felony until they are pardoned or go through other procedures to get their voting rights restored. Other states simply disenfranchise individuals convicted of crimes only while they are incarcerated. Importantly, violations of laws that criminalize homelessness most likely are misdemeanors, not felonies, and, therefore, do not result in disenfranchisement in most states, except while a person is incarcerated.⁵⁵

The 48 states that do disenfranchise differ on: (1) the period of the disenfranchisement, and (2) the means by which voting rights are, or can be, restored. Currently, all states except Maine and Vermont disenfranchise felons while they are incarcerated.⁵⁶

Great variety exists as to whether an individual may vote while on parole, probation, or prior to payment of all fines and restitution. States also differ on whether voting rights are then automatically restored or whether the would-be voter must apply or petition to have his or her voting rights reinstated. Eight states permanently disenfranchise convicted felons unless and until they apply for and are granted a pardon or other form of reinstatement of their voting rights – a process which is often complicated and time-consuming and not always

⁵³ 42 U.S.C. § 15483(a)(2)(A)(ii)(2002).

⁵⁴ According to a survey of shelter and services providers, approximately 18 percent of their homeless clients spent time in a state or federal prison. Burt, Martha R. et al. *Homelessness: Programs and the People They Serve*, page 8-23 (1999).

⁵⁵ Note that some state laws upgrade a misdemeanor offense to a felony offense, if a person has been convicted of the misdemeanor offense before or repeatedly. *See e.g.*, 720 Ill. Comp. Stat. 5/16-20 (2004), an Illinois statute that upgrades a misdemeanor theft charge to a felony if a person has been previously convicted of a misdemeanor theft under this statute.

⁵⁶ *See* Harvard Law Review Association, “One Person, No Vote: The Law of Felon Disenfranchisement,” 115 Harv. L. Rev. 1939, 1942 (May 2002); Martine J. Price, “Addressing Ex-Felon Disenfranchisement: Legislation vs. Litigation,” 11 J.L. & Pol’y 369, 371-373 (2002).

effective.⁵⁷ The U.S. Department of Justice publishes useful pamphlets for each state that summarize the period of disenfranchisement and procedures for seeking reinstatement of voting rights. *See* Civil Rights Division, U.S. Dep't of Justice, Restoring Your Right to Vote (Dec. 2000) <<http://www.usdoj.gov/crt/restorevote.htm>>.

Recommendations

State governmental officials should conduct public education campaigns to notify people with criminal records what types of convictions will result in disenfranchisement and how to restore voting rights. Information made available to the public should include the limits of disqualification for particular offenses and the potential avenues, if any, for reinstatement of voting rights.

It is important for voting rights advocates to counter misconceptions that any criminal conviction will result in disenfranchisement. Persons who have been convicted of a crime need to be educated about the particular offenses in their states that will - and will not - trigger disenfranchisement and ways to restore their voting rights.

III. REMEDIES

To achieve its goal of facilitating fair and accurate elections, HAVA includes procedures for casting provisional ballots in elections. Further, both NVRA and HAVA provide for enforcement procedures to ensure states are following their requirements. NVRA permits an aggrieved person or organization to file a civil enforcement action to enforce its provisions. HAVA authorizes the Attorney General to bring a civil suit against any state or jurisdiction to force compliance with the Act. HAVA also requires states to establish administrative complaint procedures to remedy individual grievances.

A. HAVA Includes Procedures for Casting Provisional Ballots

HAVA provides a detailed set of procedures that states must follow if a voter is declared ineligible to vote by an election official at the polls.⁵⁸ First, the election official must notify the individual of the option to cast a provisional ballot in that election.⁵⁹ Second, the voter may cast a provisional ballot after signing a written statement before an election official at the polling place that the voter is registered in that jurisdiction and is eligible to vote in that election.⁶⁰ Third, the election official shall pass along the ballot or the written affirmation to

⁵⁷ For a discussion of the approaches taken by these states, *see* Harvard Law Review Association, "One Person, No Vote: The Law of Felon Disenfranchisement," 115 Harv. L. Rev. 1939, 1943-49 (May 2002).

⁵⁸ All states receiving funding under HAVA are required to establish such procedures. *See id.* at § 15512. In addition, each state not receiving federal funds under HAVA must either certify that it has established an administrative complaint procedure meeting HAVA's requirements or must have submitted a compliance plan to the Attorney General detailing its expected plan of action by January 1, 2004. *See id.* at § 15512.

⁵⁹ 42 U.S.C. § 15482(a)(1)(2002).

⁶⁰ *See id.* at § 15482(a)(2).

an appropriate state or local election official for prompt verification.⁶¹ Fourth, if the voter is found eligible to vote, the provisional ballot will be counted.⁶²

When a provisional ballot is cast, an election official must give the voter written information instructing the voter how to determine whether the vote was counted and, if the vote was not counted, the reason that the vote was not counted using a free access system required by the Act.⁶³ Pursuant to 42 U.S.C. § 15482(a)(5)(B) of the Act, states must establish a free access system (such as a toll-free telephone number or Internet website) that people who cast provisional ballots can access to find out whether their vote was counted, and, if not, the reason it was not counted.⁶⁴ The Act requires compliance with each of these steps by January 1, 2004.⁶⁵

Though HAVA's provisional balloting system should prevent potential voters from being denied access to ballots, its effectiveness will depend on the way states enforce it. For instance, homeless voters may not have access to phones or the Internet to find out the fate of their provisional ballots. A far more serious problem is posed by the potential for inadequate processes to validate provisional ballots and count them in a timely fashion.

Recommendations

State election officials should ensure that poll workers are properly trained to know that voters have the option to cast provisional ballots. In addition, election officials and poll workers should make sure that voters are notified of their rights to cast provisional ballots by clearly posting information about such ballots at polls. Voters who cast provisional ballots should be given written information to take with them that explains ways to check if their ballots were counted.

Voting rights advocates and voter registration agencies can work with local election officials to ensure that appropriate information about provisional ballots is posted at the polls. Once again, the provisional balloting process in each state should be monitored to make sure voters are effectively notified of the option to cast provisional ballots and are able to check to see if their ballot was counted.

B. Both NVRA and HAVA Include Enforcement Procedures to Ensure Compliance

1. NVRA Enforcement Procedures

The NVRA permits an aggrieved person or organization to file a civil enforcement action against a covered state that has violated the Act.⁶⁶ If the violation occurs more than 30 days

⁶¹ *See id.* at § 15482(a)(3).

⁶² *See id.* at § 15482(a)(4).

⁶³ *Id.* at § 15482.

⁶⁴ *See id.* at § 15482(a)(5).

⁶⁵ *See id.* at § 15482(d).

⁶⁶ An organization, such as an advocacy group, that files a suit under the NVRA must demonstrate that it was directly affected by the alleged violation of the Act. *See Association*

prior to a Federal election, the aggrieved person must “provide written notice of the violation to the chief election official of the State involved” before filing a suit.⁶⁷ After receiving the written notice, the chief election official will have 90 days to correct the violation.⁶⁸ If the election official fails to provide an appropriate remedy within this timeframe, the aggrieved party may then file a suit for declaratory or injunctive relief, as well as reasonable attorney fees.

2. HAVA Enforcement Procedures

a. Civil Enforcement Actions

HAVA authorizes civil enforcement actions against states and local jurisdictions by the U.S. Attorney General. Specifically, the Attorney General may bring suit in federal district court as “necessary to carry out the uniform and nondiscriminatory election technology and administration requirements,” by seeking declaratory and injunctive relief, the issuance of a temporary restraining order, a permanent or temporary injunction, or other order.⁶⁹

b. State-Based Administrative Complaint Procedures

Pursuant to 42 U.S.C. § 15512 of the Act, each state must establish an administrative complaint procedure to deal with individuals’ grievances.⁷⁰ HAVA requires states to allow any person to file a complaint alleging “a violation which has occurred, is occurring, or is about to occur.”⁷¹ The complainant—who must file a written and notarized grievance—may request “a hearing on the record.”⁷² Upon finding a violation, the state is directed to provide the appropriate remedy.⁷³ If no violation is found, the state must dismiss the complaint and publish the results of the proceedings.⁷⁴ Absent the complainant’s consent to an extended period, a final determination must be made on the complaint within 90 days of the date of

of Community Orgs. For Reform Now v. Fowler, 178 F.3d 350, 364 (5th Cir. 1999). The NVRA also authorizes the United States Attorney General to pursue civil actions “for such declaratory or injunctive relief as is necessary to carry out” the Act. 42 U.S.C. § 1973gg-9(a).

⁶⁷ 42 U.S.C. § 1973gg-9(b)(1).

⁶⁸ If the violation occurs within 120 days of the next Federal election, the chief election official will have 20 days to correct it. *See* 42 U.S.C. § 1973gg-9(b)(2).

⁶⁹ 42 U.S.C. § 15511 (2002).

⁷⁰ All states receiving funds under HAVA are required to establish such procedures. *See id.* at § 15512(a)(1). In addition, each state not receiving funds under HAVA must either certify that it has established an administrative complaint procedure meeting HAVA’s requirements or must submit a compliance plan to the Attorney General detailing its expected plan of action by January 1, 2004. *See id.* at § 15512(b)(1).

⁷¹ *Id.* at § 15512 (a)(2)(B).

⁷² *Id.* at § 15512 (a)(2)(e).

⁷³ *Id.* at § 15512 (a)(2)(F).

⁷⁴ *See id.* at § 15512 (a)(2)(G).

filing.⁷⁵ Should the state fail to meet this deadline, the complaint must be “resolved within 60 days under alternative dispute resolution procedures.”⁷⁶

IV. CONCLUSION

The fundamental right to vote, regardless of a person’s economic or housing status, is vital to our democracy. People experiencing homelessness face many obstacles in exercising this right. It is imperative that they are able to vote to help shape the direction of our communities and country. As case law and state statutes provide increasing protections for the right to vote for people experiencing homelessness, certain barriers to voting have been virtually eliminated. However, other challenges, including mailing address requirements, identification requirements, and the purging of voter registration lists, pose different obstacles for homeless persons when registering and voting. Policy-makers at the state and federal level need to improve voting systems and laws to make sure that segments of our country’s population are not being unconstitutionally disenfranchised. Governmental representatives, election officials, and poll workers must work with advocates to ensure homeless people are able to vote. Only by removing barriers to voting can we ensure that people who are homeless will be able to make their voices heard on Election Day.

⁷⁵ *See id.* at § 15512 (a)(2)(H).

⁷⁶ *Id.* at § 15512 (a)(2)(I).

WEB RESOURCES

RESOURCES

For more information about voting issues, please see the following resources

U.S. Election Assistance Commission (EAC) - <http://www.eac.gov>

U.S. Department of Justice (DOJ) - <http://www.usdoj.gov>

Go to <<http://www.usdoj.gov/crt/voting/misc/faq.htm>> - for answers to frequently asked questions

Go to <<http://www.usdoj.gov/crt/voting/hava/havapoc.htm>> - for Department of Justice Points of Contact for your State

National Coalition for the Homeless (NCH) - <http://www.nationalhomeless.org/>

Go to <<http://www.nationalhomeless.org/vote2004/votingrightsmanual.pdf>> - for copy of 2004 Voting Rights Manual

National Low Income Housing Coalition - <http://www.nlihc.org/vrem/> - for their voter registration and mobilization initiative.

Lawyers' Committee for Civil Rights Under Law -

Voting Project - <http://www.lawyerscomm.org/projects/voting/>

Election Protection Project - 1-800-326-7329

<http://www.lawyerscomm.org/projects/voting/electionprotection.html>

League of Women Voters - <http://www.lwv.org/>

Listing of congressional districts - <http://www.house.gov/>

This site allows you to find out your congressional district and congressional representative. To find out your district, simply put in your zip code.

Listing of counties - <http://www.fvap.gov/links/county.html>

This site allows you find out what county you're in if you know your state and zip code

Social Security Administration (SSA) - <http://www.ssa.gov/>

State Boards of Election Websites

Alabama

<http://www.sos.state.al.us/election/index.cfm>

Alaska

<http://www.gov.state.ak.us/litgov/elections/homepage.html>

Arizona

<http://www.sosaz.com/election/>

Arkansas

<http://sos.state.ar.us/elections.html>

California

<http://www.ss.ca.gov/elections/elections.htm>

Colorado

<http://www.sos.state.co.us/pubs/elections/main.htm>

Connecticut

<http://www.sots.state.ct.us/ElectionsDivision/Electionindex.html>

Delaware

<http://www.state.de.us/election/index.htm>

District of Columbia

<http://www.dcboee.org/>

Florida

<http://election.dos.state.fl.us/index.html>

Georgia

<http://www.sos.state.ga.us/elections/>

Hawaii

<http://www.hawaii.gov/elections/>

Idaho

<http://www.idsos.state.id.us/elect/eleindex.htm>

Illinois

<http://www.elections.state.il.us/>

Indiana

<http://www.state.in.us/sos/elections/index.html>

Iowa

<http://www.sos.state.ia.us/elections/>

Kansas

<http://www.kssos.org/elections/elections.html>

Kentucky

<http://www.sos.state.ky.us/index/main/elecdiv.asp>

Louisiana

<http://www.sec.state.la.us/elections/elections-index.htm>

Maine

<http://www.state.me.us/sos/cec/elec/elec.htm>

Maryland

<http://www.elections.state.md.us/>

Massachusetts

<http://www.sec.state.ma.us/ele/eleidx.htm>

Michigan

<http://www.michigan.gov/sos>

Minnesota

<http://www.sos.state.mn.us/election/index.html>

Mississippi

<http://www.sos.state.ms.us/>

Missouri

<http://www.sos.mo.gov/elections/>

Montana

<http://www.sos.state.mt.us/css/ELB/Contents.asp>

Nebraska

<http://www.sos.state.ne.us/Elections/election.htm>

Nevada

<http://sos.state.nv.us/nvelection/>

New Hampshire

<http://www.sos.nh.gov/electionsnew.htm>

New Jersey

<http://www.state.nj.us/lps/elections/electionshome.html>

New Mexico

<http://web.state.nm.us/elect.htm>

New York

<http://www.elections.state.ny.us/>

North Carolina

<http://www.sboe.state.nc.us/>

North Dakota

<http://www.state.nd.us/sec/electvote/>

Ohio

<http://www.sos.state.oh.us/sos/boe/index.html?http://www.sos.state.oh.us/sos/boe.html>

Oklahoma

<http://www.state.ok.us/~elections/>

Oregon

<http://www.sos.state.or.us/elections/elechp.htm>

Pennsylvania

<http://www.dos.state.pa.us/bcel/site/default.asp>

Rhode Island

<http://www.elections.state.ri.us/>

South Carolina

<http://www.state.sc.us/scsec/>

South Dakota

<http://www.sdsos.gov/elections/>

Tennessee

<http://www.state.tn.us/sos/election.htm>

Texas

<http://www.sos.state.tx.us/elections/index.shtml>

Utah

<http://elections.utah.gov/>

Vermont

<http://vermont-elections.org/soshome.htm>

Washington

<http://www.secstate.wa.gov/elections/>

West Virginia

<http://www.state.wv.us/sec/>

Wisconsin

<http://elections.state.wi.us/>

Wyoming

<http://soswy.state.wy.us/election/election.htm>

APPENDIX A

STATE BY STATE SUMMARY OF VOTING LAWS

The following information outlines each state's voting laws relating to topics particularly relevant to homeless persons. While the chart attempts to provide clear answers, it may be necessary to check the cited laws for clarification or further information. Further, many states are still in the process of updating and enacting state laws to come into compliance with the Help America Vote Act of 2002. Therefore, the information listed within the Appendix may change in the near future as states continue to change their laws.

In order to keep the answers concise, short references are made to different parts of voting systems and laws. Please refer to the following information when reading the answers to the questions for your state. For general information about issues listed in the chart, please see the attached Report.

Identification requirement information

Note: State identification requirements can be more stringent than those of HAVA.

For first time mail-in registrants, "HAVA ID Requirements" refers to the following:

HAVA requires the presentation of a photo ID or other document to prove the applicant's identity and address (such as a utility bill or government document) for first time mail-in registrants only. **POSSIBLE EXCEPTIONS:** Unless the state imposes an identification requirement stricter than HAVA's requirements, first-time mail-in registrants may be exempt from the identification requirement at the time of voting if they either 1) provided a copy of an identification document with their registration form or 2) provided their driver's license number or Social Security number on their registration form and their identity is verified by the state through that information.

For all registrants

HAVA requires that all registrants, including both in person and mail-in registrants, provide their driver's license number, if they have one. If they do not have one, they must provide the last four digits of their Social Security number. If they do not have a Social Security number, they will be assigned a unique identifying number by the state. All states must require this information from registrants. Therefore, although a state may not require the provision of an ID or identifying documents for registration, registrants still must provide a driver's license or Social Security number, if they have one.

ID required on Election Day

The answers to this question reflect whether a state requires people to present a form of identification at the polls on Election Day.

Provisional Ballots

Under HAVA, each state must allow people to cast provisional ballots. People may cast provisional ballots if they are declared ineligible to vote at the polls. In order to cast a provisional ballot, the person must sign a written statement that says he or she is eligible to vote in that jurisdiction. The voter can later check to see if the vote was counted.

ALABAMA

Is residence in a traditional dwelling required for registration?

No. See Ala. Op. Att'y Gen. 97-00129 (Mar. 11, 1997) ("Homeless persons must be allowed to register to vote if they identify a residence location in a voting precinct and provide a proper mailing address"). Ala. Code § 17-3-11; § 17-3-9 (2004) (citing Ala. Const. Art. 8).

Is mailing address required to register?

Yes. See Ala. Op. Att'y Gen. 97-00129 (Mar. 11, 1997) ("Homeless persons must be allowed to register to vote if they identify a residence location in a voting precinct and provide a proper mailing address").

Is there a deadline for registration?

11 days before election. Ala. Code § 17-4-120 (2004).

Are there durational residency requirements?

No. Must only be a resident of Alabama. See www.sos.state.al.us/election/vr/vr-a.htm; Ala. Code § 17-3-9 (2004).

What is the state's position regarding voter mobility?

Must re-register if voter moves to another county. Ala. Code § 17-4-125 (2004).

Is ID required for first-time mail-in registrants?

Yes. See Ala. Code § 17-10A-1 (2004). See 2003 Ala. Acts 381; Ala. Op. Att'y Gen. 2003-212 (Aug. 12, 2003). Pursuant to HAVA, first time mail-in registrants must submit current, valid proof of identity, in the form of photo ID OR copy of current utility bill, bank statement, government check, paycheck, or other government document that shows name and address in the jurisdiction. Voters are exempt from providing identification at the time of voting if they provide ID at time of registration or if the state can verify their identity through their driver's license number or the last 4 digits of their Social Security number [hereinafter "HAVA ID Requirements"]. Registrants who fail to meet HAVA ID Requirements must provide ID at time of voting, or may cast provisional ballot.

Are there registration identification requirements for all registrants?

Yes. Ala. Code §§ 17-10A-1, 17-4-210 (2004). See also Alabama state plan at <http://www.sos.state.al.us/downloads/election/hava/alabama-stateplan-final.pdf>.

Is ID required on Election Day?

Yes, except for first time mail-in registrants who have met identification requirements prior to the election. Ala. Code § 17-11A-1 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. See Ala. Code §§ 17-10A-2, 17-11A-1 (2004).

How are names removed from the state voter registration list?

Failure to vote for 4 years. Ala. Code § 17-4-213 (2004). See also Ala. Code §§ 17-4-132, 133, 210 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of crime referenced in Ala. Const. Art. VIII; reinstatement of voting rights requires pardon. Ala. Code § 17-3-10 (2004).⁷⁷

⁷⁷ See also *Williams v. Lide*, 628 So. 2d 531 (Ala. 1993) (board of registrars' failure to notify convicted felons that their names had been removed from voter registration list contrary to statutory requirements did not render convicted felons eligible to vote until such notice was received); www.usdoj.gov/crt/restorevote/Alabama2.htm.

ALASKA

Is residence in a traditional dwelling required for registration?

No. Alaska Stat. § 15.01.020 (2004).⁷⁸

Is mailing address required to register?

No. Alaska Stat. § 15.07.064 (2004).⁷⁹

Is there a deadline for registration?

30 days before election. Alaska Stat. § 15.07.070 (2004).

Are there durational residency requirements?

Yes. Must be resident of district at least 30 days before election. Alaska Stat. § 15.05.010 (2004).

What is the state's position regarding voter mobility?

Voter must request registration at least 30 days before election. If not, voter may cast provisional ballot on Election Day. Alaska Stat. § 15.07.090 (2004).

Is ID required for first-time mail-in registrants?

Yes. Alaska Stat. § 15.07.060 (2004).⁸⁰

Are there registration identification requirements for all registrants?

Yes. Driver's license number, state ID number, or last four digits of SSN required if issued. *Id.* § 15.07.060(a)(2). If no such ID is issued, the state will assign unique ID number. *Id.* § 15.07.060(f). Each applicant shall exhibit one form of identification, including a driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; a registration official who knows the identity of the applicant may waive the identification requirement. *Id.* § 15.07.060(c) (2004).

Is ID required on Election Day?

Yes. Alaska Stat. § 15.15.225 (2004).⁸¹

⁷⁸ A person's residence is that "fixed place of habitation to which the individual intends to return if absent." Alaska Stat. § 15.01.020(2) (2004). A hotel, shelter for the homeless, or even a park bench will be sufficient. *Fischer v. Stout*, 741 P.2d 217, 221 (Alaska 1987).

⁷⁹ For purposes of maintaining the voting register, the state register identifies the voter's residence and a mailing address. Alaska Stat. § 15.15.80 (2004). But the mailing address is not required for voting eligibility. *See Fischer v. Stout*, 741 P.2d 217, 221 (Alaska 1987); Alaska Stat. § 15.07.064 (2004).

⁸⁰ Consistent with HAVA, Alaska requires the registrant to provide a driver's license, state identification card, or the last four numbers of his or her SSN. Alaska Stat. § 15.07.060(a)(2) (2004). If the applicant cannot comply with that request because he or she has not been issued any of those numbers, the state will assign a unique identifying number. *Id.* § 15.07.060(f). In addition, if a person is assigned a unique identifying number, the registrant must provide one form of identification, including a valid photo identification, birth certificate, passport, or hunting or fishing license, although that requirement may be waived "if the registration official knows the identity of the applicant." *Id.* § 15.07.060(c).

⁸¹ Voters are required to provide one form of identification at the polls. Alaska Stat. § 15.15.225 (2004). The election official can waive the requirement if he or she "knows the identity of the voter" and the voter is not a first-time voter who initially registered by mail or facsimile and did not provide identification at the time. *Id.* § 15.15.225(b) (2004). Failure to provide such identification permits the voter to vote a "questioned ballot."

Does the state have procedures for the casting of provisional ballots?

Yes. *See* Alaska Stat. § 15.20.207(b)(3) (2004) (confirming that a questioned ballot will be rejected for failure to meet identification requirements).⁸²

How are names removed from the state voter registration list?

Inactive registration will be cancelled after second general election that occurs after registration becomes inactive if voter does not contact the state election division, or vote, or appear to vote. *See* Alaska Stat. § 15.07.130(b) (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony involving moral turpitude until rights restored upon unconditional discharge. Alaska Stat. §§15.05.030, 15.05.050 (2004); Alaska Const. Art. V., § 2.

⁸² Alaska has process for "questioned ballots." Person whose qualification to vote is questioned must make a declaration swearing that he or she is qualified to vote, and then may cast a "questioned ballot." Alaska Stat. § 15.15.210 (2004). Under Section 15.20.207, a questioned ballot will not be counted if the voter fails to provide identification or his date of birth or social security information. *Id.* § 15.20.207. Thus, questioned ballot procedures simply provide a higher level of review by election officials, not exceptions to the identification requirements.

ARIZONA

Is residence in a traditional dwelling required for registration?

No. Ariz. Rev. Stat. Ann. § 16-121 (2004). See Ariz. Rev. Stat. Ann. § 16-101 (2004) (defines resident as, "an individual that has actual physical presence in this state...")

Is mailing address required to register?

Yes, if different from residence address. Ariz. Rev. Stat. Ann. § 16-152 (2004). A homeless person may use address of a shelter, a county courthouse, or a general delivery address. See Ariz. Rev. Stat. Ann. § 16-121 (2004) (allows homeless individuals to register with above-mentioned addresses).

Is there a deadline for registration?

Yes. 29 days before election. Ariz. Rev. Stat. Ann. § 16-120 (2004).

Are there durational residency requirements?

Yes. Must be resident of state and county at least 29 days prior to election. Ariz. Rev. Stat. Ann. § 16-120 (2004).

What is the state's position regarding voter mobility?

If voter moves from one precinct to another during the 29 day period prior to election, s/he is deemed resident and registered elector of precinct from which s/he moved until day after election. Ariz. Rev. Stat. Ann. § 16-125 (2004).

Is ID required for first-time mail-in registrants?

HAVA ID requirements. Ariz. Rev. Stat. Ann. § 16-579 (2004).

Are there registration identification requirements for all registrants?

No more than HAVA ID requirements. Ariz. Rev. Stat. Ann. § 16-579 (2004).

Is ID required on Election Day?

No, unless voter is a first-time mail-in registrant and did not provide the required identification with registration form. Ariz. Rev. Stat. Ann. § 16-579 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. See Ariz. Rev. Stat. Ann. § 16-584 (codified as amended at 2004 Ariz. Legis. Serv. Ch. 184 (S.B. 1250) (West)).

How are names removed from the state voter registration list?

Failure to respond to 2 notices results in designation of "inactive." Failure to vote in 2 general elections following designation of "inactive" results in removal from voting rolls. Ariz. Rev. Stat. Ann. § 16-166 (2004).

How does an individual's criminal background affect his ability to vote?

A voter is disqualified from voting for conviction of treason or felony unless and until his/her voting rights have been restored. Ariz. Rev. Stat. Ann. § 16-101 (2004).

ARKANSAS

Is residence in a traditional dwelling required for registration?

No. Ark. Code Ann. § 7-5-201 (2003).

Is mailing address required to register?

Yes. Ark. Const. amend. 51, § 6.

Is there a deadline for registration?

Yes. 30 days before election. Ark. Code Ann. § 7-5-201(a) (2003).

Are there durational residency requirements?

Yes. A person must live in the county where registered to vote 31 days before the election. Ark. Code Ann. § 7-5-201(a) (2003).

What is the state's position regarding voter mobility?

If a person moves within a county within 30 days of the election and updates his/her registration information, s/he may vote in the precinct to which s/he has moved. If a person moves within a county that has two congressional districts and moves within the same congressional district, s/he may vote in the precinct to which s/he has moved. Ark. Const. amend. 51 § 10 (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Ark. Code Ann. § 7-5-201(2003).

Are there registration identification requirements for all registrants?

No more than HAVA ID Requirements. Ark. Const. amend. 51, § 6.

Is ID required on Election Day?

Yes. Photo ID or current utility bill, bank statement, govt. check, paycheck, or government document with name & address. Ark. Code Ann. § 7-5-305 (2003).

Does the state have procedures for the casting of provisional ballots?

Yes. Ark. Code Ann. § 7-5-306 (2003).

How are names removed from the state voter registration list?

Names are removed from the voter registration list if a voter fails to respond to the address confirmation mailing and fails to vote or appear to vote in two general elections for federal office that occur after the date of the confirmation mailing. Ark. Const. amend. 51, §11. Voters are placed on inactive list, if they do not respond to mailed confirmation notices. Ark. Const. amend. 51, § 10.

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony; right restored upon proof of full discharge or pardon. Ark. Const. Amend. 51, §§ 11(a)(4) & 11(d)(2) (2003).

CALIFORNIA

Is residence in a traditional dwelling required for registration?

No. Cal. Elec. Code § 2150(a)(3) (2004).
See CA Voter Registration form
(<https://ovr.ss.ca.gov/votereg/OnlineVoterReg>).

Is mailing address required to register?

Yes, if different from place of residence. Cal. Elec. Code § 2150(a)(4) (2004).

Is there a deadline for registration?

Yes. 15 days before election. Cal. Elec. Code § 2102 (2004).

Are there durational residency requirements?

Must reside in California to register. Cal. Elec. Code § 2101 (2004).

What is the state's position regarding voter mobility?

Moving from one precinct to another requires re-registration. Cal. Elec. Code § 2117 (2004). Moving within a county requires only notification of change of address. Cal. Elec. Code § 2119 (2004). Voters who have not registered at new address may cast provisional ballots. Cal. Elec. Code § 14311 (2004).

Is ID required for first-time mail-in registrants?

HAVA ID Requirements for first time mail-in registrants apply only to elections in which there is a federal office on the ballot. CA Voter Registration Form,
http://www.ss.ca.gov/elections/HAVA_finalplan_12-03.pdf.

Are there registration identification requirements for all registrants?

Yes. No more than HAVA ID requirements. Cal. Elec. Code § 2150 (2004) (to be amended by A.B. 2079, Cal. 2003-2004 Reg. Sess.).

Is ID required on Election Day?

No. Cal. Elec. Code § 14216 (2004). However, if voting for the first time, or voter is first time mail-in registrant and did not provide identification during registration, must provide identification at the poll. CA Voter Registration Form <http://www.ss.ca.gov/elections/english.pdf>.

Does the state have procedures for the casting of provisional ballots?

Yes. Cal. Elec. Code § 14310 (2004).

How are names removed from the state voter registration list?

State removes voter's name from registration list if voter does not send election official voter confirmation card and voter does not vote in two general elections after confirmation card was mailed. Cal. Elec. Code § 2224 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony while imprisoned or on parole. Cal. Elec. Code §2201(c) (2004).

COLORADO

Is residence in a traditional dwelling required for registration?

No. Colo. Rev. Stat. § 1-2-102 (2003).

Is mailing address required to register?

Yes, but homeless may use address of shelter, homeless service provider, or a private residence. Colo. Rev. Stat. § 1-2-102 (2003).

Is there a deadline for registration?

Yes. 29 days before election. Colo. Rev. Stat. § 1-2-201(3) (2003).

Are there durational residency requirements?

Yes. Must be resident of state 30 days prior to election. Colo. Rev. Stat. § 1-2-101(3) (2003).

What is the state's position regarding voter mobility?

Voter who moves out of precinct during the 29 days before the election may vote on day of election in precinct where registered and sign change of address form. Colo. Rev. Stat. § 1-2-217 (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Colo. Rev. Stat. § 1-2-501 (2003) (codified as amended at 2004 Colo. Legis. Serv. 279 (S.B. 04-213) (West)).

Are there registration identification requirements for all registrants?

Yes. No more than HAVA ID Requirements. Colo. Rev. Stat. § 1-2-204 (codified as amended at 2004 Legis. Serv. 139 (S.B. 04-084) (West)).

Is ID required on Election Day?

Yes. Colo. Rev. Stat. § 1-7-110 (2003) (codified as amended at 2004 Colo. Legis. Serv. 279 (S.B. 04-213) (West)).

Does the state have procedures for the casting of provisional ballots?

Yes. Colo. Rev. Stat. §§ 1-9-301, 1-7-103 (2003) (codified as amended at 2004 Colo. Legis. Serv. 316 (S.B. 04-239) (West)).

How are names removed from the state voter registration list?

Failure to vote in two general elections following designation of "inactive." Registration is cancelled if designated inactive and fail to respond to mailed confirmation notices. Colo. Rev. Stat. § 1-2-605 (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification during incarceration for a criminal conviction unless and until pardoned, or released after having served full term. Colo. Const. Art. VII, § 10; Colo. Rev. Stat. § 1-2-606 (2003).

CONNECTICUT

Is residence in a traditional dwelling required for registration?

No. Conn. Gen. Stat. § 9-12 (2003).

Is mailing address required to register?

No. See Conn. Gen. Stat. § 9-20 (2003).

Is there a deadline for registration?

Yes. 14 days before election. Conn. Gen. Stat. § 9-17 (2003)

Are there durational residency requirements?

Must reside in state and town of registration. Conn. Gen. Stat. § 9-12 (2003).

What is the state's position regarding voter mobility?

Voters may register on the last weekday before election when residence is attained after the registration deadline. Conn. Gen. Stat. § 9-17(b) (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. See H.B. 6592 § 9, Gen. Assem., Jan. Sess. (Conn. 2003) (implementing HAVA requirements, effective 1/1/04).

Are there registration identification requirements for all registrants?

In person registrants must provide proof of identity and eligibility through documentation or through the testimony of another elector. Conn. Gen. Stat. § 9-20 (2003).

Is ID required on Election Day?

Voters must present identification or sign statement affirming identity and eligibility. Conn. Gen. Stat. § 9-261 (2003). Also, mail-in registrants who failed to include copies of ID in registration application are subject to additional ID requirements at time of voting. See H.B. 6592 § 9(b), Gen. Assem. Jan. Sess. (Conn. 2003).

Does the state have procedures for the casting of provisional ballots?

Yes. Conn. Gen. Stat. § 9-232a (2003); H.B. 6502, Gen. Assem. Jan. Sess. (Conn. 2003); (H.B. 6592), (See also H.B. 6592 § 4, (implementing HAVA requirements, effective 1/1/04).

How are names removed from the state voter registration list?

Failure to respond to mail confirmation results in inactive designation. If inactive for 4 years, voter is removed from registration list. Conn. Gen. Stat. § 9-35 (2003) (codified as amended at 2003 CT H.B. 6806 (SN)).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony. Rights can be restored upon discharge and payment of all fines. See Conn. Gen. Stat. §§ 9-46 & 9-46a (2003).

DELAWARE

Is residence in a traditional dwelling required for registration?

No. See *Mitchell v. Del. State Tax Cmm'r*, 42 A.2d 19 (Del. 1945).

Is mailing address required to register?

No. See Del. Code Ann. tit. 15, § 1302 (2004).

Is there a deadline for registration?

Yes. 20 days before election. Del. Code Ann. tit. 15, § 2011 (2004).

Are there durational residency requirements?

Must be permanent resident of state at time of registration. Del. Code Ann. tit. 15, § 1701.

What is the state's position regarding voter mobility?

Registered voters who change permanent place of residence or legally change name, must reregister. However, those registered voters who have moved within the state and have not reregistered may vote at the polling place serving their permanent place of residence on Election Day. See Del. Code Ann. tit. 15, § 1101(b) (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Del. Code Ann. tit. 15, § 2033(a) (2004).

Are there registration identification requirements for all registrants?

Yes. People who register in person must provide proof of identity and residence. Del. Code Ann. tit. 15, § 2011 (2004).

Is ID required on Election Day?

Yes. However, if a voter does not have proof of identity, s/he must sign an affidavit. Del. Code Ann. tit. 15, § 4937 (2004). Also, first time mail-in registrants who failed to provide ID in application must provide ID at the polls. Del. Code Ann. tit. 15, § 2033(a) (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. Del. Code Ann. tit. 15, § 4948 (2004).

How are names removed from the state voter registration list?

If people fail to respond to mail confirmation, they will be designated inactive. If people are designated inactive for 2 consecutive general elections and they fail to vote, they will be removed from voter registration list. Del. Code Ann. tit. 15, § 1704 (2004).

How does an individual's criminal background affect his ability to vote?

Permanent disqualification for certain felony convictions, including murder, manslaughter, sexual offenses, and offenses against public administration. Disqualification for conviction of any other felony until felon is pardoned or five years after expiration of sentence. Del. Code Ann. tit. 15, § 6103 (2004); Del. Const. art. V, § 2.

FLORIDA

Is residence in a traditional dwelling required for registration?

No. See Fla. Div. Elec. Op. DE 78-27, June 2, 1978.

Is mailing address required to register?

No. Fla. Stat. Ann. § 97.053(5)(a) (2004). See also <http://election.dos.state.fl.us/regtovote/webappform.pdf>.

Is there a deadline for registration?

Yes. 29 days before election. Fla. Stat. Ann. § 97.055 (2004).

Are there durational residency requirements?

Must reside in state and county of registration. Fla. Stat. Ann. § 97.041(1) (2004).

What is the state's position regarding voter mobility?

Voter may cast an absentee ballot in county of former residence when the registration period has closed in the county of new residence. Fla. Stat. Ann. § 101.663(1) (2004). In a Presidential election, this provision applies even when voters move out of state. Fla. Stat. Ann. § 101.663(2) (2004).

Is ID required for first-time mail-in registrants?

Yes. First time mail-in registrants must provide ID at time of registration or at time of voting. Fla. Stat. Ann. § 97.0535 (2004).

Are there registration identification requirements for all registrants?

No more than HAVA ID Requirements. Fla. Stat. Ann. § 97.053(5)(a) (2004).

Is ID required on Election Day?

ID is requested, however, if voters cannot present proper ID, they can cast a ballot after signing an affirmation of identity and eligibility. First-time mail-in registrants who cannot provide proper ID may cast a provisional ballot. Fla. Stat. Ann. §§ 101.043, 101.49 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. Fla. Stat. Ann. § 101.048, 101.043 (2004).

How are names removed from the state voter registration list?

Supervisor of elections removes voter's name from list if voter makes written request, has moved out of the county, committed a felony, is judged mentally unfit for voting, or dies. See Fla. Stat. Ann. § 98.045 (2004). Voters are removed from list if they fail to respond to a confirmation notice and fail to vote in two general elections after the notice was sent. Fla. Stat. Ann. § 98.065 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony. Fla. Stat. Ann. § 97.041 (2004). Rights can be restored through pardon or restoration of rights by Governor. See Fla. Const. Art. IV, § 18.

GEORGIA

Is residence in a traditional dwelling required for registration?

No. See Ga. Code Ann. § 21-2-217 (2003).

Is mailing address required to register?

No. See Ga. Code Ann. § 21-2-217 (2003).

Is there a deadline for registration?

Yes. 5th Monday before election or, if such Monday is a legal holiday, by the close of business on the following business day. Ga. Code Ann. § 21-2-224 (2003).

Are there durational residency requirements?

Must be legal resident of state and county in which voter seeks to vote. Ga. Code Ann. § 21-2-217 (2003).

What is the state's position regarding voter mobility?

Voters who move within the same county or municipality may continue to vote in their former precinct. Ga. Code Ann. § 21-2-218 (d) (2003). Voters who move to a different county or municipality after the registration deadline may vote in their former precinct. *Id.* Voters who move to another state within 30 days of a presidential election and for that reason do not meet that state's registration requirement, may vote in their former precinct. *Id.* at § 21-2-216(e) (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Ga. Code Ann. § 21-2-417(2003) (codified as amended at 2004 Ga. Laws 446 (H.B. 1247)).

Are there registration identification requirements for all registrants?

Yes. Full SSN is required. See Ga. Code Ann. §§ 21-2-219, 21-2-220, 21-2-225 (2003).

Is ID required on Election Day?

Yes, for first time mail-in registrants who failed to previously meet identification requirements. Others may satisfy requirement by affirmation. Ga. Code Ann. §§ 21-2-220, 21-2-417(2003) (codified as amended at 2004 Georgia Laws Act 446 (H.B. 1247)).

Does the state have procedures for the casting of provisional ballots?

Yes. Ga. Code Ann. § 21-2-419 (2003).

How are names removed from the state voter registration list?

Removal for felony, mental incompetence, death, change of residence, or failure to respond to notice after 3 years of no contact. Ga. Code Ann. §§ 21-2-231, 21-2-232, 21-2-233, 21-2-234 (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification while serving sentence for conviction of felony involving moral turpitude. Ga. Code Ann. § 21-2-216 (2003).

HAWAII

Is residence in a traditional dwelling required for registration?

No. Haw. Rev. Stat. Ann. § 11-13 (2003); Haw. Admin. Rules § 2-51-25 (3)(A) (2004).

Is mailing address required to register?

Yes. Haw. Rev. Stat. Ann. § 11-15 (2003); Haw. Admin. Rules § 2-51-25(3)(B) (2004).

Is there a deadline for registration?

Yes. 30 days before election. Haw. Rev. Stat. Ann. §§ 11-16, 11-24 (2003).

Are there durational residency requirements?

No. Must only be a legal resident of Hawaii. See Haw. Rev. Stat. Ann. §§ 11-15, 11-13(2003). See also <http://www.state.hi.us/elections/voterreg.html>.

What is the state's position regarding voter mobility?

Voter moving within state may apply for transfer of registration on Election Day and vote. Haw. Rev. Stat. Ann. § 11-21(c) (2003). Voters moving out of state may lose residency status and right to vote. Haw. Admin. Rules § 2-51-25(b) (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. See Hawaii State Plan, <http://www.state.hi.us/elections/facts/HAVASTatePlan.pdf> (bringing election site practices into compliance with HAVA § 302).

Are there registration identification requirements for all registrants?

Full SSN is required. Haw. Rev. Stat. Ann. § 11-15 (2003).

Is ID required on Election Day?

Yes. Haw. Admin. Rules §§ 2-51-80(b), 2-51-83(b), and 2-51-85.1(b) (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. Haw. Rev. Stat. Ann. § 11-25 (2003). See Hawaii State Plan, <http://www.state.hi.us/elections/facts/HAVASTatePlan.pdf> (bringing election site practices into compliance with HAVA § 302).

How are names removed from the state voter registration list?

Removal for failure to vote in two consecutive primary and general elections, as well as any regularly scheduled special elections held in conjunction with the primary and general elections, if notice is undeliverable, and for disqualification. Haw. Rev. Stat. Ann. §§ 11-17, 11-23 (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification during incarceration for conviction of felony. See Haw. Const. Art. II, § 2; Haw. Rev. Stat. Ann. § 831-2 (2003).

IDAHO

Is residence in a traditional dwelling required for registration?

No. See Idaho Code § 34-107 (2003) (defining residency); Idaho Code § 34-411 (2004) (allowing for information other than residency address which definitely locate the residence); http://www.idsos.state.id.us/elect/voterreg/reg_faq.htm.

Is mailing address required to register?

No. See Idaho Code § 34-411 (2003).

Is there a deadline for registration?

Yes. 24 days before election, Idaho Code § 34-408 (2004), or at the polls. Idaho Code § 34-408A (2003).

Are there durational residency requirements?

Yes. Must reside within state for 30 days. Idaho Code § 34-402 (2003).

What is the state's position regarding voter mobility?

Voter who moves within state or out of the state within thirty days prior to election may vote in former precinct. Idaho Code § 34-413 (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Idaho Code § 34-410 (2003).

Are there registration identification requirements for all registrants?

Yes. Current driver's license number or in the absence of a license, the last four digits of SSN. Idaho Code § 34-411 (2003).

Is ID required on Election Day?

Yes, if registering at the polls. Idaho Code § 34-408A (2004). Yes, for first time mail-in registrants who did not previously meet identification requirements. Idaho Code § 34-410 (2003).

Does the state have procedures for the casting of provisional ballots?

No. See http://www.idsos.state.id.us/ELECT/Idaho_State_Plan.pdf (stating that provisional voting system is not required because Idaho has election day registration).

How are names removed from the state voter registration list?

Failure to vote in a general or primary election for four years. Idaho Code § 34-435 (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony unless and until rights are restored; disqualification during incarceration for conviction of other crimes. Idaho Const., Art. VI, § 3, Idaho Code § 34-403 (2004).

ILLINOIS

Is residence in a traditional dwelling required for registration?

No. 10 Ill. Comp. Stat. Ann. 5/3-2 (2004). See also Ill. Op. Att'y Gen. 92-014, July 22, 1992.

Is mailing address required to register?

Yes, but homeless may use address of shelter, day shelter, or private residence. 10 Ill. Comp. Stat. Ann. 5/3-2 (2004).

Is there a deadline for registration?

Yes. 28 days before election. 10 Ill. Comp. Stat. Ann. 5/4-8 (2004).

Are there durational residency requirements?

Yes. 30 days. 10 Ill. Comp. Stat. Ann. 5/3-1 (2004).

What is the state's position regarding voter mobility?

If voter moves to another election district within 30 days before the election, the voter may vote after signing an affidavit. 10 Ill. Comp. Stat. Ann. 5/3-1 (2004). Challenged voters either have to provide two forms of identification or an affidavit by a registered voter in the district who can confirm that s/he is a resident of the district. 10 Ill. Comp. Stat. Ann. 5/17-10 (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Voter may include a copy of ID with registration form or when voting, if s/he does not have a SSN or driver's license number. 10 Ill. Comp. Stat. Ann. 5/1A-16 (2004).

Are there registration identification requirements for all registrants?

Yes. In-person registration requires two forms of identification. 10 Ill. Comp. Stat. Ann. 5/4-10 (2004). Identification can include driver's license, Social Security card, public aid identification card, utility bill, employee or student ID card. Homeless persons will be required to provide evidence of the use of their mailing address. *Id.*

Is ID required on Election Day?

Yes. HAVA ID Requirements for first-time mail-in registrants. 10 Ill. Comp. Stat. Ann. 5/1A-16 (2004). Challenged voters either have to provide two forms of identification or an affidavit by a registered voter in the district who can confirm that s/he is a resident of the district. 10 Ill. Comp. Stat. Ann. 5/17-10 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes, but requires voter to provide last 4 digits of SSN or driver's license or state ID number to cast a provisional ballot. See 10 Ill. Comp. Stat. Ann. 5/18A-5 (2004).

How are names removed from the state voter registration list?

Registration will be canceled if after investigation and mailing of notice, voter does not respond in 30 days. 10 Ill. Comp. Stat. Ann. 5/4-18 (2004); 10 Ill. Comp. Stat. Ann. 5/5-25; 10 Ill. Comp. Stat. Ann. 5/6-59 (2004). Registration of person lacking permanent abode will be cancelled if the voter does not respond to a mailed notice within the 49 days preceding the election. 10 Ill. Comp. Stat. Ann. 5/4-18.01 (2004); 10 Ill. Comp. Stat. Ann. 5/5-25.01 (2004); 10 Ill. Comp. Stat. Ann. 5/6-59.01 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification during incarceration for any criminal conviction. 10 Ill. Comp. Stat. Ann. 5/3-5 (2004).

INDIANA

Is residence in a traditional dwelling required for registration?

No. Ind. Code Ann. Ann. § 3-7-37-1 & 2 (2004).

Is mailing address required to register?

Yes. Ind. Code Ann. § 3-7-37-1 (2004).

Is there a deadline for registration?

Yes. 29 days before election. Ind. Code Ann. § 3-7-33-3 (2004).

Are there durational residency requirements?

Yes. 30 days. Ind. Code Ann. § 3-7-13-1 (2004).

What is the state's position regarding voter mobility?

Voter who changes address must transfer registration. Ind. Code Ann. § 3-7-39-1 (2004). However, a person who moves within the same precinct can vote at the precinct after making an oral or written statement of the address change. Ind. Code Ann. § 3-7-39-7 (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Ind. Code Ann. §3-7-33-4.5 (2004).

Are there registration identification requirements for all registrants?

Driver's license or last four digits of SSN. Ind. Code Ann. § 3-7-13-13 (2004). Beginning in 2006, if registrant does not have license or SSN, state will issue voter identification number. Ind. Code Ann. § 3-7-13-13 (2004).

Is ID required on Election Day?

Yes, for first-time mail-in registrants who have not previously presented proper documentation. Ind. Code Ann. § 3-11-8-25 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. See Ind. Code Ann. §§ 3-11-8-23.5, 3-11-8-25 (2004).

How are names removed from the state voter registration list?

Failure to respond to notices and vote in two general elections. Ind. Code Ann. § 3-7-38.2-14, 15 (2004)

How does an individual's criminal background affect his ability to vote?

Disqualification during incarceration for any criminal conviction. Ind. Code Ann. § 3-7-13-4 (2004).

IOWA

Is residence in a traditional dwelling required for registration?

No. Iowa Code § 48A.5 (2003).

Is mailing address required to register?

Yes. Iowa Code § 48A.11 (2003) (codified as amended at 2004 Ia. Legis. Serv. S.F. 2269 (West)).

Is there a deadline for registration?

Yes. For general and primary elections, deadline is 5:00 p.m. 10 days before election. For all elections, deadline is 5:00 p.m. 11 days before the election. Iowa Code § 48A.9 (2003).

Are there durational residency requirements?

No. Must only be resident of state and precinct. Iowa Code § 48A.5 (2003).

What is the state's position regarding voter mobility?

A person who moves inside or outside of Iowa may vote in his/her old precinct until s/he meets the voter requirements of the new precinct. However, a person who fails to register to vote in the new precinct after becoming eligible may not vote in the old precinct. Iowa Code § 48A.5 (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. Iowa Code § 48A.8 (2003) (codified as amended at 2004 Ia. Legis. Serv. S.F. 2269 (West))
<http://www.sos.state.ia.us/pdfs/elections/havastateplan.pdf>.

Are there registration identification requirements for all registrants?

Yes. HAVA ID requirements. Iowa Code § 48A.11 (2003) (codified as amended at 2004 Ia. Legis. Serv. S.F. 2269 (West)).

Is ID required on Election Day?

Yes, if a person's name does not appear on the register, they must show ID. Iowa Code § 49.77 (2003). Also, if the required identification for first-time mail-in registrants is not presented beforehand or if the voter's identity is not verified by the state through a driver's license number or SSN, s/he must provide ID. Iowa Code § 48A.8 (2003). People who cannot meet the ID requirements at the polls can cast provisional ballots. Iowa § 49.81 (2003).

Does the state have procedures for the casting of provisional ballots?

Yes. See Iowa Code §§ 49.81, 48A.8 (2003) (codified as amended at 2004 Ia. Legis. Serv. S.F. 2269 (West)).

How are names removed from the state voter registration list?

Commissioner places voters on inactive list when voters fail to return confirmation card. Registration is canceled when a person is designated inactive for 2 consecutive general elections. Iowa Code §§ 48A.29, 48A.30 (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony unless and until rights are restored by pardon or restoration of rights from Governor. Iowa Code §§ 48A.6(1), 48A.14(1)(e), 48A.30(1)(d), 57.1(1)(c) (2003).

KANSAS

Is residence in a traditional dwelling required for registration?

No. Kan. Stat. Ann. §§ 25-407, 25-2309 (2003) (codified as amended at 2004 Kan. Sess. Laws ch. 25 (S.B. 479) & 2004 Kan. Laws ch. 93 (S.B. 166)).

Is mailing address required to register?

Yes, where the residence is not a postal address. Kan. Stat. Ann. §§ 25-407, 25-2309(2003) (codified as amended at 2004 Kan. Laws ch. 25 (S.B. 479) & 2004 Kan. Sess. Laws ch. 93 (S.B. 166)).

Is there a deadline for registration?

14 days before election. Kan. Stat. Ann. § 25-2311 (2003).

Are there durational residency requirements?

Must be resident of state and precinct. See Kan. Const. art. V, § 1.

What is the state's position regarding voter mobility?

When voter changes residence, he must reregister. Voter changing to residence in same precinct may cast provisional ballot. Kan. Stat. Ann. § 25-2316c (2003). A new resident, former resident, or a relocated resident may vote in a presidential election as long as voter meets all qualifications, except for residency requirement. Kan. Stat. Ann. § 25-1801 (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Kan. Stat. Ann. §25-2309 (codified as amended at 2004 Kan. Laws ch. 25 (S.B. 479) & 2004 Kan. Sess. Laws ch. 93 (S.B. 166)).
See <http://www.kssos.org/other/ksstateplanfinal.pdf>.

Are there registration identification requirements for all registrants?

Yes. No more than HAVA ID requirements. Kan. Stat. Ann. §25-2309 (codified as amended at 2004 Kan. Laws ch. 25 (S.B. 479) & 2004 Kan. Sess. Laws ch. 93 (S.B. 166)).

Is ID required on Election Day?

No. Kan. Stat. Ann. §25-2908 (codified as amended at 2004 Kan. Laws ch. 25 (S.B. 479) & 2004 Kan. Sess. Laws ch. 93 (S.B. 166)).

Does the state have procedures for the casting of provisional ballots?

Yes. Kan. Stat. Ann. § 25-409 (2003) (Kan. Stat. Ann. §25-2309 (codified as amended at 2004 Kan. Laws ch. 25 (S.B. 479)).

How are names removed from the state voter registration list?

Failure to respond to notice and vote in two general elections following notice. Kan. Stat. Ann. § 25-2316c (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification during incarceration for conviction of felony. Kan. Const. art. V, § 2.

KENTUCKY

Is residence in a traditional dwelling required for registration?

No. Ky. Rev. Stat. Ann. §§ 116.035 & 116.155 (2004).

Is mailing address required to register?

Yes, if residence is not a mailing address. Ky. Rev. Stat. Ann. § 116.155 (2004).

Is there a deadline for registration?

Yes. The 4th Tuesday before a general election, and 28 days before a special election. Ky. Rev. Stat. Ann. § 116.045 (2004).

Are there durational residency requirements?

Must be a resident of the state and precinct on or before the day preceding the closing of registration. Ky. Rev. Stat. Ann. § 116.025 (2004).

What is the state's position regarding voter mobility?

If voter moves to residence in same county and the books are closed, s/he may vote and change address at the poll. If voter moves to residence outside of county, s/he may vote in appropriate precinct and change address at the poll. If voter moves to residence in a different state and books are closed, s/he may vote by absentee in presidential election. Ky. Rev. Stat. Ann. §§ 116.025 & 116.085 (2004).

Is ID required for first-time mail-in registrants?

Yes. See <http://kysos.com/HAVA/HAVAMATERIALS/HAVAsateplan.pdf> (noting that Kentucky exceeds HAVA ID Requirements by requiring that everyone present identification on election day).

Are there registration identification requirements for all registrants?

No. SSN is optional. Ky. Rev. Stat. Ann. § 116.155 (2004).

Is ID required on Election Day?

Yes. Elections officers shall confirm the identity of each voter by personal acquaintance or by a document such as a driver's license, Social Security card, or credit card. Ky. Rev. Stat. Ann. § 117.227 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. See <http://kysos.com/HAVA/HAVAMATERIALS/HAVAsateplan.pdf> (stating that administrative regulations will be used to bring the state legislation in line with federal regulation).

How are names removed from the state voter registration list?

Names may be removed from state voter registration upon (1) request of the voter, (2) notice of death, (3) notice of incompetence, (4) notice of a felony conviction, or (5) voter fails to respond to confirmation mailing and fails to vote in two consecutive general elections for Federal office after receipt of confirmation. Ky. Rev. Stat. Ann. § 116.0452 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for conviction of any crime. Ky. Const. § 145(2). Disqualification for conviction of treason, felony, or bribery in an election unless and until rights have been restored by executive pardon. *Id.* at § 145(1).

LOUISIANA

Is residence in a traditional dwelling required for registration?

No. See La. Op. Att'y Gen. 03-352, Nov. 13, 2003.

Is mailing address required to register?

Yes. See La. Rev. Stat. Ann. § 18:104 (2004).

Is there a deadline for registration?

Yes. 30 days before election. La. Rev. Stat. Ann. § 18:135 (2004).

Are there durational residency requirements?

Must be a citizen of the state. La. Rev. Stat. Ann. § 18:101 (2004); La. Const. Art. I, § 10.

What is the state's position regarding voter mobility?

Person who changes residence 30 days before a Presidential election can vote by absentee ballot or in person in the former precinct. La. Rev. Stat. Ann. § 18:101 (2004). A person who moves within his/her parish or to a new parish must update his/her registration prior to the closing of registration. La. Rev. Stat. Ann. § 18:110 (2004).

Is ID required for first-time mail-in registrants?

Yes. All first-time mail-in registrants must provide a copy of a driver's license or picture ID with their registration form. La. Rev. Stat. Ann. § 18:115 (2004).

Are there registration identification requirements for all registrants?

Yes. Upon registration, all other registrants must present a driver's license, if he/she has one, birth certificate, or other document which reasonably and sufficiently establishes the applicant's identity, age and residency. La. Rev. Stat. Ann. § 18:105 (2004).

Is ID required on Election Day?

Yes. All voters are required to show photo ID. If they do not have an ID, they can vote by signing an affidavit. If voters use the affidavit method, their votes can be subject to a challenge. La. Rev. Stat. Ann. § 18:562 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. La. Rev. Stat. Ann. § 18:566 (2004).

How are names removed from the state voter registration list?

Failure to return notice and vote in two general elections. La. Rev. Stat. Ann. § 18:193 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification during incarceration for conviction of felony. La. Rev. Stat. Ann. § 18:102 (2004).

MAINE

Is residence in a traditional dwelling required for registration?

No. Me. Rev. Stat. Ann. tit. 21-A, § 112 (2003).

Is mailing address required to register?

Yes. Me. Rev. Stat. Ann. tit. 21-A, § 152 (2003).

Is there a deadline for registration?

May register in person on Election Day. Me. Rev. Stat. Ann. tit. 21-A, § 122 (2003) (as amended at 2004 Me. Legis. Serv. Ch. 584 (H.P. 1277) (L.D. 1755) (West)).

Are there durational residency requirements?

Must have established residence. See Me. Const. Art. II, § 1; Me. Rev. Stat. Ann. tit. 21-A, § 111 (2003).

What is the state's position regarding voter mobility?

Person who changes residence 30 days before a Presidential election can still vote in former precinct. Me. Rev. Stat. Ann. tit. 21-A, § 113 (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Me. Rev. Stat. Ann. tit. 21-A, § 152 (2003).

Are there registration identification requirements for all registrants?

Yes, driver's license or last 4 digits of SSN if the voter has been issued one. Me. Rev. Stat. Ann. tit. 21-A, § 152 (2003).

Is ID required on Election Day?

Yes, ID verification is required of first time mail-in registrants who have not met the requirement before Election Day. See <http://www.maine.gov/sos/cec/elec/havaTitle%20III.htm>, Me. Rev. Stat. Ann. tit. 21-A, § 673.

Does the state have procedures for the casting of provisional ballots?

Yes. See Me. Rev. Stat. Ann. tit. 21-A, § 673 (2003) (as amended at 2004 Me. Legis. Serv. Ch. 688 (H.P. 1418) (L.D. 1916) (West) (allowing challenged ballot); Me. Rev. Stat. Ann. tit. 21-A, § 122 (2003) (as amended at 2004 Me. Legis. Serv. Ch. 584 (H.P. 1277) (L.D. 1755) (West) (permitting election day registration)). See also <http://www.maine.gov/sos/cec/elec/havaTitle%20III.htm> (explaining how current code satisfies the provisional ballot requirements of HAVA).

How are names removed from the state voter registration list?

Removal for a failure to vote in the next 2 general elections following transmission of address confirmation and designation of inactive, or upon confirmation of change of address from registrant. Me. Rev. Stat. Ann. tit. 21-A, §162-A (2003).

How does an individual's criminal background affect his ability to vote?

Conviction does not affect right to vote. Incarcerated persons may vote by absentee ballot. See Me. Rev. Stat. Ann. tit. 21-A, §§ 111 & 115 (2003).⁸³

⁸³ Maine and Vermont are the only two states that allow felons to vote while in prison.

MARYLAND

Is residence in a traditional dwelling required for registration?

No. Residency is the place where a person has a fixed, permanent home, habitation and principal establishment, without any present intention of leaving and to which whenever s/he is absent, s/he has the intention of returning. Md. Op. Att'y Gen. 69-238 (1984).

Is mailing address required to register?

Yes, if different than the residence address. Md. Regs. Code tit. 33, § 05.04.03 (2004).

Is there a deadline for registration?

Yes. 9:00 p.m. 21 days before election. Md. Code Ann., Elections § 3-302(a) (2004).

Are there durational residency requirements?

Must be a resident of the county as of date of registration. Md. Code Ann., Elections § 3-102(a)(3) (2004).

What is the state's position regarding voter mobility?

Registration is permanent as long as the voter continues to live in Maryland and keeps his or her name and address current with the local Board of Elections. Voters do not have to re-register when moving from one county to another or across the Baltimore City line. Md. Code Ann., Elections § 3-101(d) (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. Md. Regs. Code tit. 33, §05.02.02(6), §05.04.06, §05.04.03 and § 07.06.04 (2004).

Are there registration identification requirements for all registrants?

No more than HAVA ID requirements. Md. Regs. Code tit. 33, §05.02.02(6), §05.04.06 and § 05.04.03 (2004).

Is ID required on Election Day?

No. However, first-time mail-in registrants need to provide ID on Election Day if they did not provide a copy of ID with voter registration form or if the State Board was unable to verify their identity with driver's license number or Social Security number. Md. Regs. Code tit. 33, § 07.06.04 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. If voters name does not appear on the registration list or voter does not provide identification, voter may cast a provisional ballot. Md. Code. Ann., Elections §§ 9-403, 9-404, and 11-303 (2004); Md. Regs. Code tit. 33, § 07.06.05 (2004).

How are names removed from the state voter registration list?

Names may be removed (1) at the request of the voter, (2) upon determination that the voter is not eligible because he or she is not qualified under § 3-102(b) or is dead, or (3) voter is removed under § 3-504 because the voter fails to respond to a notice sent by the Board of Elections and fails to vote in 2 elections after receipt of such notice. Md. Ann. Code Ann, Elections § 3-502.

How does an individual's criminal background affect his ability to vote?

Persons convicted of theft or other infamous crime, or of buying and selling votes, may not vote. Right of first-time offenders for theft or infamous crime other than buying or selling votes is automatically restored upon completion of sentence. Md. Code, Ann., Elections, § 3-102 (2004).

MASSACHUSETTS

Is residence in a traditional dwelling required for registration?

No. See http://www.ma.lvw.org/ElectionPubs/voting_in_ma.htm (explaining content of affidavit of registration).

Is mailing address required to register?

Yes. See <http://www.state.ma.us/sec/ele/elepdf/havafinal.pdf>

Is there a deadline for registration?

Yes. 20 days before election. Mass. Gen. Laws Ann. ch. 51, § 26 (2004).

Are there durational residency requirements?

Must be resident of city or town. Mass. Gen. Laws Ann. ch. 51, § 1 (2004).

What is the state's position regarding voter mobility?

A voter who changes residence is not disqualified from voting in his former city or town for six months following change of address. Mass. Gen. Laws Ann. ch. 51, § 3 (2004); Mass. Const. Amend. Art. XXX.

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. See <http://www.state.ma.us/sec/ele/elepdf/havafinal.pdf>

Are there registration identification requirements for all registrants?

Yes. HAVA ID Requirements. See <http://www.state.ma.us/sec/ele/elepdf/havafinal.pdf>

Is ID required on Election Day?

No, as of July 2004. Mass. Gen. Laws Ann. ch. 54, § 76 (2004). Pending legislation could require ID for all registrants at the polls.

Does the state have procedures for the casting of provisional ballots?

Yes. See <http://www.state.ma.us/sec/ele/elepdf/havafinal.pdf>.

How are names removed from the state voter registration list?

Names removed if (1) voter as died, (2) voter notified register of address change, (3) voter failed to respond to confirmation notice and failed to vote in two biennial state elections following the notice. Mass. Gen. Laws Ann. ch. 51, §§ 37A & 38 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for conviction of felony. Mass. Gen. Laws Ann. ch. 51, §1 (2004).

MICHIGAN

Is residence in a traditional dwelling required for registration?

No. See Mich. Comp. Laws. § 168.11 (2004) (Residence is "that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging"). See also *Reaume & Silloway Inc. v. Tetzlaff*, 315 Mich. 95 (1946).

Is mailing address required to register?

Yes. See Mich. Comp. Laws. § 168.500c (2004). See also Mich. Comp. Laws §§ 168.499(3), 168.503 and 168.509aa (2004); *Ass'n of Cmty. Org. for Reform Now v. Miller*, 912 F. Supp. 976 (W.D. Mich. 1995) (finding that Mich. Comp. Laws. § 168.500c does not violate §§ 1973gg-6(a) and 1973gg-6(d) of the NVRA).

Is there a deadline for registration?

Yes. 30 days before election. See Mich. Comp. Laws. § 168.497 (2004). See also 1977-78 Mich. Op. Att'y Gen. No. 587 (finding 30 day registration deadline constitutional).

Are there durational residency requirements?

Yes. Must be a resident of the state for 30 days, resident of township or city on or before 30th day before election. See Mich. Comp. Laws §§ 168.10 and 168.492 (2004).

What is the state's position regarding voter mobility?

Voters who move from one township or city to another in a different county after the 60th day before an election would still be permitted to vote in their earlier place of registration by signing an affidavit. See Mich. Comp. Laws §§ 168.507a, and 168.507b (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. http://www.michigan.gov/documents/MIVoterRegistration_97046_7.pdf

Are there registration identification requirements for all registrants?

No more than HAVA ID requirements. http://www.michigan.gov/documents/MIVoterRegistration_97046_7.pdf

Is ID required on Election Day?

No. See Mich. Op. Att'y Gen. No. 6930 (Jan. 29, 1997); see also <http://www.ag.state.mi.us/opinion/datafiles/1990s/op10001.htm> However, first-time mail-in registrants who do not meet the identification requirements during registration must provide ID on Election Day.

Does the state have procedures for the casting of provisional ballots?

Yes. Mich. Comp. Laws § 168.523a (2004).

How are names removed from the state voter registration list?

See Mich. Comp. Laws Ann. § 168.509aa (2004) A clerk cannot cancel registration of voter based solely on registered voter's failure to vote. If there is reliable information that a voter has moved, notice will be sent requiring correction of address within 30 days. If the person does not appear to vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date of the notice, the clerk must cancel the registration of the voter and remove his or her name from the registration record of the city or township.

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for conviction of any crime. Mich. Comp. Laws §§ 168.492a & 168.758b (2004). See also Mich. Const., Art. II, § 2.

MINNESOTA

Is residence in a traditional dwelling required for registration?

No. "Residence" is where individual's home is located and to which, if individual leaves, the individual intends to return. Minn. Stat. Ann. § 200.031 (2004). For purpose of voting, therefore, residence is based on physical presence and intent. *Bell v. Gannaway*, 303 Minn. 346 (1975). See also Minn. Stat. Ann. § 201.014 (2004) (general voter eligibility statute).

Is mailing address required to register?

Yes. Registration form requires mailing address, if different than residence. <http://www.sos.state.mn.us/election/MNVRCard.pdf>; See also Minn. Stat. Ann. § 201.071 (2004) (as amended at 2004 Minn. Sess. Law Serv. Ch. 293 (H.F. 1006) (WEST)). No registration is deficient if it contains the voter's name, current address, date of birth, current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification number, the last four digits of the voter's SSN, if the voter has been issued a SSN, prior registration, if any, and signature. See Minn. Stat. Ann. § 201.071 (2004) (as amended at 2004 Minn. Sess. Law Serv. Ch. 293 (H.F. 1006) (West)).

Is there a deadline for registration?

20 days before election OR on Election Day if applicant can prove residence (with driver's license, ID approved by Secretary of State, student ID, tribal ID, or affidavit by registered voter). Minn. Stat. Ann. § 201.061 (2004) 2004 Minn. Sess. Law Serv. Ch. 293 (H.F. 1006) (WEST).

Are there durational residency requirements?

Yes. 20 days residence in Minnesota. Minn. Stat. Ann. § 201.014 (2004).

What is the state's position regarding voter mobility?

If voter moves out of precinct, voter loses residence there and must re-register in new precinct. Minn. Stat. Ann. § 200.031; see also Minn. Stat. Ann. § 201.016 (2004) (eligible voter may only vote in precinct where s/he resides).⁸⁴

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Minn. Stat. § 201.071 (codified as amended at 2004 Minn. Sess. Law Serv. 293 (H.F. 1006) (West)); Minn. Voter Registration Form, <http://www.sos.state.mn.us/election/MNVRCard.pdf>.

Are there registration identification requirements for all registrants?

Yes. Registration requires: name, address, date of birth, county, and HAVA ID provisions (Minn. license or state ID number or if none available, last four digits of SSN). See Minn. Stat. Ann. § 201.071 (codified as amended at 2004 Minn. Sess. Law Serv. 293 (H.F. 1006) (West)); See also Minnesota State Plan, 60 Fed. Reg. 14002, 14627 (March 24, 2004); Minn. Voter Registration form, <http://www.sos.state.mn.us/election/MNVRCard.pdf>.

Is ID required on Election Day?

Yes, if first time mail-in registrant has not presented proper identification beforehand or had identity verified through SSN or Driver's License number. Minn. Stat. Ann. § 201.061 (as amended at 2004 Minn. Sess. Law Serv. 293 (West)).

Does the state have procedures for the casting of provisional ballots?

Yes. Minnesota satisfies HAVA's provisional ballot requirements by permitting election day registration. Minn. Stat. Ann. § 201.061 (2004) (as amended at 2004 Minn. Sess. Law Serv. Ch. 293 (H.F. 1006) (West)). See Minnesota State Plan, 60 Fed. Reg. 14002, 14627 (March 24, 2004).

How are names removed from the state voter registration list?

Voter's status changed to "inactive" after 4 years without voting. The secretary of state will perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. Minn. Stat. Ann. § 201.171 (2004) (as amended at 2004 Minn. Sess. Law Serv. Ch. 293 (H.F. 1006) (West)) There are also procedures for removal of voters due to death, change of address, or request of voter. Minn. Stat. Ann. § 201.13 (as amended at 2004 Minn. Sess. Law Serv. Ch. 293 (H.F. 1006) (West))

How does an individual's criminal background affect his ability to vote?

Disqualification for a conviction of treason or felony until rights are restored. Minn. Stat. Ann. § 201.014 (2004).

⁸⁴ County auditor may confirm address by mailing voter a notice. If voter has moved and notice not delivered, auditor will change registrant's status to "challenged." Minn. Stat. Ann. § 201.12 (2004). The "challenged" individual must then prove residence in precinct by answering questions, under oath, of an election judge that test individual's residence and right to vote. Minn. Stat. Ann. § 204C.12 (2004).

MISSISSIPPI

Is residence in a traditional dwelling required for registration?

No. See 1991 Miss. AG LEXIS 518 (noting that residency is synonymous with domicile and that the foundation of domicile is intent. Further, ownership of property, real or personal, is not an indispensable requirement for establishing domicile).

Is mailing address required to register?

Yes. Miss. Code Ann. § 23-15-47(3) (2004) (codified as amended at 2004 Miss. Laws Ch. 305 (S.B. 2857) (mail-in registration); Miss. Code § 23-15-39(1) (2004) (codified as amended at 2004 Miss. Laws Ch. 305 (S.B. 2857) (in-person registration); 1990 Miss. AG LEXIS 130 (stating that question 6 on registration form, which asks for mailing address, must be answered for voter to be "legally entitled to be registered").

Is there a deadline for registration?

Yes. 30 days before election. Miss. Code Ann. §§ 23-15-37 (2004).

Are there durational residency requirements?

Yes. Must have resided in state, county, and city or town for 30 days. Miss. Code Ann. § 23-15-11 (2004).

What is the state's position regarding voter mobility?

If voter moves from one precinct to another within the same municipality or county, voter is entitled to have registration transferred to new precinct upon written request to registrar if made at least 30 days prior to election. If it is 30 days or less before election, can vote in new precinct via affidavit ballot. Miss. Code Ann. § 23-15-13 (2004); *Rush v. Ivy*, 853 So. 2d 1226 (Miss. 2003).

Is ID required for first-time mail-in registrants?

No. Photo ID is not required for first-time mail-in registrants. The registration form asks for a SSN, but it does not appear that it is required for registration. Mail-in applicants must have a witness who is a qualified elector in the county of the applicant's residence sign their application. Miss. Code Ann. § 23-15-47 (2004) (codified as amended at 2004 Miss. Laws Ch. 305 (S.B. 2857)). HAVA requirements have not yet been implemented.⁸⁵

Are there registration identification requirements for all registrants?

No. Miss. Code § 23-15-39 (2004) (codified as amended at 2004 Miss. Laws Ch. 305 (S.B. 2857) (finding that a request for an applicant's SSN is not a prerequisite to registration).⁸⁶

Is ID required on Election Day?

Yes. When any person entitled to vote shall appear to vote, the managers shall identify the voter, in the presence and view of the bystanders, by requiring the voter to submit a valid Mississippi driver's license, identification card issued by the Department of Public Safety, voter registration card, Medicaid or Medicare card,

⁸⁵ Mississippi has a proposed language change to Miss. Code Ann. § 23-15-541 (2004) which would require a person who is entitled to vote, and who does appear to vote to be identified by the election manager. The election manager shall require the voter to submit a driver's license, identification card, voter's registration card, Medicaid or Medicare card, health insurance card, tax receipt or "other identification card or by comparison with the descriptive information on the pollbook or have a person from the precinct vouch for such person's identification." However, it is unclear if this proposed change has taken effect. Further, if the proposed change has taken effect, it seems to apply to only to federal elections as the Mississippi Secretary of State, as of April 2004, has noted that there are no ID requirements for state or local elections.

⁸⁶ Miss. Code Ann. § 23-15-15 (2004) imposes an additional identification/documentation requirement on those persons who are naturalized citizens, as it requires those persons to submit proof or documentation of their naturalized citizen status.

health insurance card, tax receipt or other identification card or by comparison with the descriptive information on the poll-book or have a person from the precinct vouch for such person's identification. Miss. Code Ann. § 23-15-541 (2004) (to be amended by H.B. 1 (SN), Miss. 2004 1st Extraordinary Sess.).

Does the state have procedures for the casting of provisional ballots?

Yes. Miss. Code Ann. § 23-15-573 (2004) (codified as amended at 2004 Miss. Laws Ch. 305 (S.B. 2857) (Voter whose name does not appear in the pollbook may vote once voter makes an affidavit attesting that s/he is entitled to vote or has been illegally denied registration. See also *Hatcher v. Fleeman*, 617 So. 2d 634 (Miss. 1993) (a ballot without a proper affidavit accompanying it is not to be counted.)

How are names removed from the state voter registration list?

The Commissioner of elections may remove names of all persons erroneously on the books. For example voter removed upon death, upon notice of moving out of precinct. Municipality may purge its registration books through the use of mass mailing confirmations defined by the NVRA. Miss. Code Ann. § 23-15-153 (2004) (codified as amended at 2004 Miss. Laws Ch. 305 (S.B. 2857)). See also 1990 Miss. AG LEXIS 140 (decision to remove names from pollbooks is that of election commissioners).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of certain offenses unless and until right is restored by pardon, executive order of the Governor, or two-thirds vote of the state legislature. Miss. Code Ann. § 23-15-19 (2004) (to be amended by H.B. 1 (SN), Miss. 2004 1st Extraordinary Sess.).

MISSOURI

Is residence in a traditional dwelling required for registration?

No. See *Marre v. Reed*, 775 S.W.2d 951 (Mo. 1989) (finding that residence and domicile are essentially the same for purposes of voter qualifications and intent governs in determining domicile).

Is mailing address required to register?

Yes. Mo. Rev. Stat. §115.555 (2004).

Is there a deadline for registration?

Yes. 28 days before election. See Mo. Rev. Stat. § 115.135 (2004) (“no later than 5:00 p.m., . . . on the fourth Wednesday prior to the election.”)

Are there durational residency requirements?

Yes. Must be resident of state and jurisdiction prior to registration deadline, 28 days before an election. See Mo. Rev. Stat. § 115.133 (2004).

What is the state’s position regarding voter mobility?

Voter who changed residence within an election authority’s jurisdiction and has not been removed from list of registered voters may change address at new polling place or central polling place upon oral or written affirmation of new address. See Mo. Rev. Stat. § 115.165(2) (2004).

Is ID required for first-time mail-in registrants?

Yes. Stricter than HAVA ID Requirements as all persons need to provide ID upon registration and at the polls. See Mo. Rev. Stat. § 115.155, § 115.159 and § 115.427 (2004).⁸⁷

Are there registration identification requirements for all registrants?

Yes. See Mo. Rev. Stat. § 115.135(2) (2004) (“a person applying to register with an election authority or a deputy registration official shall present a valid Missouri driver’s license or other form of personal identification at the time of registration”); Mo. Rev. Stat. §§ 115.155, 115.151 (2004).

Is ID required on Election Day?

Yes. Can still vote without ID if two supervising election judges – one from each major political party – has personal knowledge of voter and signs a state-approved affidavit attesting to that knowledge. See Mo. Rev. Stat. § 115.427 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. See Mo. Rev. Stat. § 115.430 (2004) Applies to voters who claim to be properly registered in jurisdiction and eligible to vote and “whose eligibility cannot be immediately established upon examination of the precinct register or upon examination of the records on file with the election authority.”

How are names removed from the state voter registration list?

See Mo. Rev. Stat. § 115.193 (2004) (name can be removed as a result of mass mailing confirmations, canvasses or by voter’s request. Also provides provisions for putting a voter on an ‘inactive list’ for failure to respond to mailed notices); See also Mo. Rev. Stat. § §115.165(4), 115.179, 115.181, 115.221 and 115.158.2 (2004).

How does an individual’s criminal background affect his ability to vote?

Permanent disqualification after conviction of felony or misdemeanor connected with the right to vote; disqualification during incarceration for conviction of any crime, and while on probation or parole after conviction of felony. Mo. Rev. Stat. § 115.133 (2004). See also Mo. Const., Art. VIII, § 2.

⁸⁷ Missouri’s State Plan can be found at www.sos.mo.gov/elections/hava/stateplan/ (detailing the state’s progress on becoming fully compliant with HAVA requirements). The state requirement appears comparable to HAVA requirements, but note that Missouri requires ID from ALL registered voters before voting, which is stricter than HAVA requirements. (See entry on ID required on Election Day).

MONTANA

Is residence in a traditional dwelling required for registration?

No. Mont. Code Ann. § 13-1-112 (2003) (defining residency as place of "habitation" where individual has intent to remain); *Sommers v. Gould*, 53 Mont. 538, 601 (1917) (residency determined by acts and intent). See Mont. Code Ann. § 13-2-208 (providing that if current address is unavailable, then voter must provide "other specific geographic location information from which the location of the elector's residence may be easily determined").

Is mailing address required to register?

Yes, if different than residential address.

<http://sos.state.mt.us/Assets/elections/register.pdf>.

Is there a deadline for registration?

Yes. 30 days before election. Mont. Code Ann. § 13-2-301(a) (2003)

Are there durational residency requirements?

Yes. Must reside in state and county for at least 30 days. Mont. Code Ann. § 13-1-111(1)(c) (2003).

What is the state's position regarding voter mobility?

A voter who moves to a different county 45 days or more before an election must register in the new county of residence in order to vote. Mont. Code Ann. § 13-2-514(1) (2003). Voter who moves to a different county within the state less than 45 days before election may vote in the precinct and county of his/her former residence. *Id.* at § 13-2-514(2) (2003). A voter who moves to another residence in the same county may vote in his/her old precinct or at a "central location." *Id.* at § 13-2-512(1) (2003). If an inactive voter appears to vote or votes by absentee ballot in a federal election that voter must be allowed to vote and must be removed from the inactive list and placed on the active list. *Id.* at § 13-2-512(4) (2003).

Is ID required for first-time mail-in registrants?

Yes. Stricter than HAVA ID requirements because in addition to identifying information of a driver's license number or SSN on the registration form or copy of other identifying document with registration form, all registrants must provide ID at the poll. Mont. Code Ann. § 13-2-110 (2003).

Are there registration identification requirements for all registrants?

Yes. Stricter than HAVA because all applicants need to provide identifying information at registration and at the polls. Mont. Code Ann. §§ 13-2-110(2003).

Is ID required on Election Day?

Yes. All voters must present a photo ID showing voters name or some other document showing voters name and address. Mont. Code Ann. § 13-13-114(2003).

Does the state have procedures for the casting of provisional ballots?

Yes. Mont. Code Ann. §§ 13-13-601, 13-15-107, 13-13-201(3)(a) (2003). After casting a provisional ballot, Montana requires the voter to verify eligibility by producing photo ID or another identifying document described in Mont. Code Ann. § 13-13-114(1) (2003) by 5:00 p.m. on the day after the election. *Id.* at § 13-15-107. If election administrator verifies voter's eligibility, the voter's ballot must be counted. *Id.*

How are names removed from the state voter registration list?

Failure to respond to confirmation notices and failure to vote in two consecutive federal general elections. Mont. Code Ann. § 13-2-402(8) (2003). Also, names shall be removed (1) upon written request of elector, (2) upon notice of elector's death, (3) upon notice that elector is insane as established by a court, (4) upon notice that elector is incarcerated for a felony conviction, or (5)

upon notice that elector has registered in another county or state. *Id.* at § 13-2-402.

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for conviction of felony. Mont. Code Ann. § 13-1-111(2) (2003).

NEBRASKA

Is residence in a traditional dwelling required for registration?

No. Neb. Rev. Stat. § 32-116 (2003).

Is mailing address required to register?

Yes. Individuals may use the county clerk's office as their postal address. Neb. Rev. Stat. § 32-317.

Is there a deadline for registration?

Yes. 6 pm on the second Friday before the election. Neb. Rev. Stat. § 32-302 (2003).

Are there durational residency requirements?

Must be resident of county and precinct. Neb. Const. Art. VI, § 1.

What is the state's position regarding voter mobility?

A voter changing residence within same county can vote after filling out change of address form at polls. Neb. Rev. Stat. § 32-914.02 (2003).

Is ID required for first-time mail-in registrants?

Yes. Requirements are more stringent than HAVA. See Neb. Rev. Stat. § 32-319. See also <http://www.sos.state.ne.us/Elections/HAVA/StatePlanFinal.pdf>

Are there registration identification requirements for all registrants?

Yes. Driver's license, last 4 digits of SSN, or special identification number. Neb. Rev. Stat. § 32-312 (2003).

Is ID required on Election Day?

Yes, if first time mail-in registrant does not transmit required documentation with registration. See Neb. Rev. Stat. § 32-319 (2003).

Does the state have procedures for the casting of provisional ballots?

Yes. See <http://www.sos.state.ne.us/Elections/HAVA/StatePlanFinal.pdf>.

How are names removed from the state voter registration list?

Yes. The election commissioner or county clerk shall remove the name of a registered voter if the voter has not responded to a confirmation notice and has not voted at an election prior to and including the second statewide federal election following the mailing of the confirmation notice. Neb. Rev. Stat. § 32-326(4) (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of treason or a felony, unless and until right is restored. Neb. Rev. Stat. § 32-313 (2003).

NEVADA

Is residence in a traditional dwelling required for registration?

No. Nev. Rev. Stat. 293.486 (2004).

Is mailing address required to register?

Yes. Nev. Rev. Stat. 293.507 (2004).

Is there a deadline for registration?

Yes. 9 p.m. on the third Tuesday preceding any primary or general election. Nev. Rev. Stat. 293.560 (2004).

Are there durational residency requirements?

Yes. 30-day state and county residency required; 10-day residency in precinct required. Nev. Rev. Stat. 293.485 (2004).

What is the state's position regarding voter mobility?

Voter who moves from one precinct or county to another after close of registration retains residency in precinct moved from for that election. Nev. Rev. Stat. 293.490 (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. Nev. Rev. Stat. 293.507 (2004).

Are there registration identification requirements for all registrants?

Yes. Registrants must provide a driver's license number, the last 4 digits of the SSN, or if they have neither, must sign an affidavit and be given a voter ID number by the county clerk. Nev. Rev. Stat. 293.507 (2004).

Is ID required on Election Day?

Yes. Voter registration card, driver's license, DMV ID card, military ID card, or any other government-issued picture ID card. Nev. Rev. Stat. 293.277 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. Nev. Rev. Stat. 293.3081-3095 (2004).

How are names removed from the state voter registration list?

Failure to vote and respond to inquiry by mail by second general election. Nev. Rev. Stat. 293.530 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony, Nev. Rev. Stat. 293.540 (2004), unless and until right is restored. Nev. Rev. Stat. 293.543 (2004).

NEW HAMPSHIRE

Is residence in a traditional dwelling required for registration?

No. N.H. Rev. Stat. Ann. § 654:7 (2004).

Is mailing address required to register?

Yes. Must provide address and mailing address, if different than residence address. N.H. Rev. Stat. Ann. § 654:7 (2004).

Is there a deadline for registration?

Up until the last meeting of the supervisors of the checklist before an election. N.H. Rev. Stat. Ann. § 654:8 (2004) But, election day registration is possible. N.H. Rev. Stat. Ann. § 654:7-a (2004). See also <http://www.sos.nh.gov/vote.htm>.

Are there durational residency requirements?

No. A voter can register as soon as he is domiciled in NH. N.H. Rev. Stat. Ann. § 654:12(6) (2004).

What is the state's position regarding voter mobility?

In a city, voter can change ward until the final date for correcting the checklist in the city. N.H. Rev. Stat. Ann. § 654:8 (2004).

Is ID required for first-time mail-in registrants?

The statutes make no distinction between mail-in and in-person registration. For both, applicant must present proof of citizenship, age, and domicile. For citizenship and domicile, the applicant can sign an affidavit. For age, any reasonable documentation that applicant is over 18 is acceptable. See N.H. Rev. Stat. Ann. § 654:12 (2004). The registration application asks for the applicants driver's license number or last four digits of SSN. See N.H. Rev. Stat. Ann. § 654:7 (2004).

Are there registration identification requirements for all registrants?

The statutes make no distinction between mail-in and in-person registration. For both, applicant must present proof of citizenship, age, and domicile. For citizenship and domicile, the applicant can sign an affidavit. For age, any reasonable documentation that applicant is over 18 is acceptable. See N.H. Rev. Stat. Ann. § 654:12 (2004). The registration application asks for the applicants driver's license number or last four digits of SSN. See N.H. Rev. Stat. Ann. § 654:7(2004).

Is ID required on Election Day?

No. N.H. Rev. Stat. Ann. § 659:13 (2004).

Does the state have procedures for the casting of provisional ballots?

No. A person who is not on the voting list may be allowed to vote if the supervisor believes the omission is the result of clerical error or mistake. N.H. Rev. Stat. Ann. § 659:12 (2004). Also, Election Day registration is possible. N.H. Rev. Stat. Ann. § 654:7-a (2004).

How are names removed from the state voter registration list?

Verification of voter list every ten years or by special request. A person will not be removed if s/he has voted in either of the 2 previous state general elections immediately proceeding the 10 year verification or voted in the most recent city or town election. Notice must be given before removal. See N.H. Rev. Stat. Ann. §§ 654:38; 654:39; 654:44 (2004).

How does an individual's criminal background affect his ability to vote?

A person sentenced for a felony, from the time of the sentence until discharge may not vote. However, a person may vote if sentence suspended with or without defendant being placed on probation or parole. N.H. Rev. Stat. Ann. § 607-A:2 (2004).

NEW JERSEY

Is residence in a traditional dwelling required for registration?

No. N.J. Stat. Ann. § 19:31-6.4 (2004) (as amended at 2004 NJ Sess. Law Serv. ch. 88 (WEST)).

Is mailing address required to register?

Yes. N.J. Stat. Ann. § 19:31-6.4 (2004) (as amended at 2004 NJ Sess. Law Serv. ch. 88 (WEST)).

Is there a deadline for registration?

29 days before election. N.J. Stat. Ann. § 19:31-6 (2004).

Are there durational residency requirements?

30 days. N.J. Stat. Ann. § 19:31-5 (2004) (as amended at 2004 NJ Sess. Law Serv. ch. 88 (WEST)).

What is the state's position regarding voter mobility?

Change of residence shall be filed with commissioner or municipal clerk on or before the twenty-ninth day preceding any election. N.J. Stat. Ann. § 19:31-11 (2004). If voter moves within same county and has not made application for change of residence, he can affirm his new residency and vote in new district, without identification. A voter who moves from an election district in one county to an election district in another county prior to the close of registration preceding an election shall register in the new county of residence order to be permitted to vote. N.J. Stat. Ann. § 19:31-11 (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. N.J. Stat. Ann. § 19:31-6.4 (2004) (as amended at 2004 NJ Sess. Law Serv. ch. 88 (WEST)).

Are there registration identification requirements for all registrants?

No more than HAVA ID requirements. N.J. Stat. Ann. § 19:31-6.4 (2004) (as amended at 2004 NJ Sess. Law Serv. ch. 88 (WEST)).

Is ID required on Election Day?

Yes, ID verification is required of first time mail-in registrants who have not met the requirement before Election Day. N.J. Stat. Ann. § 19:15-17 (2004) (as amended at 2004 NJ Sess. Law Serv. ch. 88 (WEST)).

Does the state have procedures for the casting of provisional ballots?

Yes. If the voter comes to the polls and his registration information is missing, he can vote with provisional ballot. However, the voter has until the close of business on the second day after the election to produce the required ID or the ballot is rejected. N.J. Stat. Ann. § 19:53C-3 (2004) (as amended at 2004 NJ Sess. Law Serv. ch. 88 (WEST)).

How are names removed from the state voter registration list?

Commissioner of registration of a county shall remove a voter's name if the registrant (1) confirms in writing that the registrant has changed residence to outside the county or (2) has failed to respond to a confirmation notice and has not voted (or appeared to vote) in the next two federal elections. N.J. Stat. Ann. § 19:31-15 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for criminal conviction of violation of voting laws; disqualification during incarceration (including parole and probation) for conviction of any crime. N.J. Stat. Ann. § 19:4-1 (2004).

NEW MEXICO

Is residence in a traditional dwelling required for registration?

No. N.M. Stat. Ann. §1-1-7 (2004). The state defines residence broadly as a place in which a person lives and to which s/he intends to return. P.O. Box, though, is not sufficient. Must indicate on map and through description the location of residence. N.M. Stat. Ann. §1-5-19 (2004).

Is mailing address required to register?

Yes. N.M. Stat. Ann. §1-5-19 (2004).

Is there a deadline for registration?

Yes. 28 days before election. N.M. Stat. Ann. § 1-4-5.1(F)(2004).

Are there durational residency requirements?

Yes. 30 days prior to an election. N.M. Stat. Ann. § 1-21-2 (2004). However, a new resident or former resident may vote in a Presidential election as long as they possess all qualifications to register in the state, except the requirement of residence. N.M. Stat. Ann. § 1-21-3 (2004).

What is the state's position regarding voter mobility?

A new resident or former resident may vote for president without meeting the residency requirement, as long as he/she possess all other qualifications to register and vote. N.M. Stat. Ann. § 1-21-3 (2004). For all other elections, a person moving with a county or to a different county must change his/her address before the registration deadline. N.M. Stat. Ann. §§ 1-4-17, 1-14-18 (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements and full SSN is required to register. N.M. Stat. Ann. § 1-5-19(B) (2004). A copy of a current and valid photo identification, utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the applicant. If the applicant does not submit the required identification, s/he will be required to do so when he votes in person or absentee. N.M. Stat. Ann. § 1-4-5.1(I)(4)(2004).

Are there registration identification requirements for all registrants?

No more than HAVA ID requirements and full SSN is required to register. The statute implies that no ID is required for in-person registration. See N.M. Stat. Ann. § 1-4-5.1(I)(4) (2004).

Is ID required on Election Day?

No. N.M. Stat. Ann. § 1-12-10 (2004). First-time mail-in registrants will be required to present ID when voting in person or absentee, if they did not meet ID requirements upon registration. N.M. Stat. Ann. § 1-4-5.1(I)(4)(2004).

Does the state have procedures for the casting of provisional ballots?

Yes. N.M. Stat. Ann. § 1-12-8 (2004).

How are names removed from the state voter registration list?

Every March of an odd-numbered year, the board of registration shall review all certificates of registration for failure of the voter to vote and, then shall establish a list of inactive voters. Voters who fail to vote in at least one statewide or local election in a 2 year period will be placed on inactive voter list. N.M. Stat. Ann. § 1-4-23 (2004). The certificate of registration shall be canceled if, after being placed on the inactive voter list, the voter fails to vote at least once in any statewide or local election in the ensuing four-year period and the voter fails to respond to notification of intended cancellation. N.M. Stat. Ann. § 1-4-28 (2004). Also, county clerk will cancel certificates of registration for: death, legal insanity, felony conviction, at the request of voter, or at direction of the board of registration. N.M. Stat. Ann. § 1-4-24 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony unless and until s/he presents the Governor with certificate verifying completion of sentence and is granted a pardon or certificate restoring rights. N.M. Stat. Ann. § 31-13-1(A) (2004).

NEW YORK

Is residence in a traditional dwelling required for registration?

No. *Pitts v. Black*, 608 F. Supp. 696 (D.C.N.Y. 1984); N.Y. Elec. Law § 5-104 (2004).

Is mailing address required to register?

Yes. *Pitts v. Black*, 608 F. Supp. 696 (D.C.N.Y. 1984); N.Y. Elec. Law § 5-210 (2004) (to be amended by A.B. 8842, 2003 N.Y. 227th Leg. Sess.).

Is there a deadline for registration?

Yes. Set annually, no earlier than the sixth Saturday before election, no later than the fourth Saturday before the election. N.Y. Elec. Law § 5-202 (2004).

Are there durational residency requirements?

Yes. 30-day state and county/town residency required. However, the durational residency requirement for purposes of qualifying to vote shall not prohibit U.S. citizens otherwise qualified, from voting for president and vice president. N.Y. Elec. Law § 5-102 (2004).

What is the state's position regarding voter mobility?

Voter must reregister upon moving to new voting district by 30 days before election. N.Y. Elec. Law § 5-210 (2004) (to be amended by A.B. 8842, 2003 N.Y. 227th Leg. Sess.).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. N.Y. Elec. Law § 5-210(5) (2004) (to be amended by A.B. 8842, 2003 N.Y. 227th Leg. Sess.).

Are there registration identification requirements for all registrants?

Yes. No more than HAVA ID requirements. N.Y. Elec. Law § 5-210 (2004) (to be amended by A.B. 8842, 2003 N.Y. 227th Leg. Sess.).

Is ID required on Election Day?

No. Voter is required to orally give his/her name and residence to inspector. N.Y. Elec. § 8-302 (2004). N.Y. Elec. Law § 5-210 (2004) (to be amended by A.B. 8842, 2003 N.Y. 227th Leg. Sess.).

Does the state have procedures for the casting of provisional ballots?

Yes, but calls the procedure casting an affidavit ballot. N.Y. Elec. Law § 8-302(3) (2004) N.Y. Elec. Law § 5-210 (2004) (to be amended by A.B. 8842, 2003 N.Y. 227th Leg. Sess.). *See also* NYS HAVA Draft Implementation Plan, http://www.elections.state.ny.us/hava/draft_plan.pdf.

How are names removed from the state voter registration list?

Failure to respond to inquiry by mail, 14 day window. N.Y. Elec. Law § 5-402 (2004). Failure to vote in second general election after voter deemed inactive. N.Y. Elec. Law § 5-400 (2004). *See also* N.Y. Elec. Law §§ 5-208, 5-213, and 5-712 (2004) (pertaining to inactive status).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony when sentence is imprisonment or death. Restored when maximum prison sentence or parole expires. N.Y. Elec. Law § 5-106 (2004).

NORTH CAROLINA

Is residence in a traditional dwelling required for registration?

No. See N.C. Gen. Stat. § 163-57 (2004); *Owens v. Chaplin*, 47 S.E.2d 12, 15 (N.C. 1948); <http://www.sboe.state.nc.us/pdf/form06.pdf> (registration form which allows voter to draw map showing where s/he lives).⁸⁸

Is mailing address required to register?

Yes. N.C. Gen. Stat. § 163-82.4 (2004).⁸⁹

Is there a deadline for registration?

Yes. 25 days before election. N.C. Gen. Stat. § 163-82.6 (2004).⁹⁰

Are there durational residency requirements?

30 days residency required. N.C. Gen. Stat. §163-55 (2004).

What is the state's position regarding voter mobility?

"Removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which he has removed until 30 days after his removal." N.C. Gen. Stat. §163-55 (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. N.C. Gen. Stat. § 163-166.12 (2004).

Are there registration identification requirements for all registrants?

No, unless the voter is attempting to register on Election Day, in which case s/he must present proof of identity. N.C. Gen. Stat. § 163-82.6 (2004).

Is ID required on Election Day?

No, the voter is only asked his/her current name and address, unless the voter is a first-time mail in registrant and did not provide ID with registration. N.C. Gen. Stat. § 163-166.12, 163-166.7 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. N.C. Gen. Stat. § 163-166.11 (2004).

⁸⁸ According to N.C. Gen. Stat. § 163-57 (2004), residence is defined as the place where his/her "habitation is fixed, and to which, whenever the person is absent, has the intention of returning." However, according to *Owens v. Chaplin*, 47 S.E.2d 12, 15 (N.C. 1948), residence "denotes a permanent dwelling place to which a person, when absent, intends to return."

⁸⁹ The registration application form includes sections on race, ethnicity, gender, and telephone number, but the application cannot be denied for failure to provide this information. N.C. Gen. Stat. § 163-82.4(a)(10). According to N.C. Gen. Stat. § 163-82.7 (2004), when determining whether an applicant is qualified to vote at an address, the board of elections will send a notice to the applicant by nonforwardable mail at the address provided on the registration form. If the post office does not return the notice, then the person will be registered. However, if the notice is returned after two attempts, the registration will be denied. Thus, when listing an address, homeless persons should be careful to list the address of a place that they know will accept mail for them.

⁹⁰ If registration form is mailed, it must be postmarked at least 25 days before the election. If a person becomes qualified to register and vote after the 25th day before the election, s/he can apply to register on election day, by submitting the application through different procedures. See N.C. Gen. Stat. § 163-82.6(d) (2004).

How are names removed from the state voter registration list?

Voters are removed from the list for death, conviction of a felony, by request, and if they fail to respond to a confirmation mailing and do not vote in an election during the time period between the date of the notice and the day after the second general election for U.S. House of Representatives. N.C. Gen. Stat. § 163-82.14 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony unless and until right is restored after unconditional discharge or pardon. N.C.G.S.A. Art. VI, § 2, N.C. Gen. Stat. § 163-82.14 (2004).

NORTH DAKOTA

Is residence in a traditional dwelling required for registration?

No. However, a voter must be a state resident, and residence is shown by an actual fixed permanent dwelling, establishment, or any other abode. N.D. Cent. Code § 16.1-01-04 (2003). "Every person has in law a residence," which is defined as "the place where one remains when not called elsewhere . . . and to which the person returns in seasons of repose." *Id.* at § 54-01-26 (2003).

Is mailing address required to register?

Not applicable because ND does not have voter registration.⁹¹

Is there a deadline for registration?

Not applicable.

Are there durational residency requirements?

Must reside in precinct for at least 30 days before the election. N.D. Cent. Code § 16.1-01-04 (2003).

What is the state's position regarding voter mobility?

If a voter moves from one precinct to another, s/he is entitled to vote in the precinct from which s/he moved until s/he has established a new residence. N.D. Cent. Code § 16.1-01-05 (2003).

Is ID required for first-time mail-in registrants?

Not applicable. North Dakota is exempt from these requirements. 42 U.S.C. § 15483.

Are there registration identification requirements for all registrants?

Not applicable.

Is ID required on Election Day?

An ID is requested, but failure to provide one is not a bar to voting. A person is requested to show a driver's license, another type of photo ID with the person's date of birth, or another acceptable form of ID to be determined by the secretary of state. N.D. Cent. Code § 16.1-05-07 (2003). Other acceptable forms of identification are the following: state ID, federally issued ID, tribal government issued ID, student ID, U.S. military ID, utility bill dated 30 days prior to Election Day, and change of address verification letter from U.S. Postal Service. *Secretary of State Announces Launching of Voter ID Education Campaign* (May 10, 2004), <<http://www.state.nd.us/sec/news-pubs/news-releases/2004/05102004.pdf>>. If a person does not or cannot present an ID, s/he can sign an affidavit swearing to her qualifications as a voter. S/he will then be allowed to vote. N.D. Cent. Code § 16.1-05-06 (2003).

Does the state have procedures for the casting of provisional ballots?

Yes. N.D. Cent. Code § 16.1-13-34 (2003). However, these provisional ballots are only used for casting ballots after the polls are closed due to a court order extending the timeframe for voting. North Dakota is exempted from complying with HAVA's provisional ballot requirements. See 42 U.S.C. § 15482. <<http://www.state.nd.us/hava/about/havand.html>>.

How are names removed from the state voter registration list?

Although North Dakota does not have voter registration, it does have a permanent central voter file. See N.D. Cent. Code § 16.1-02-01 (2003). This list is compiled by the state and can be used

to check whether a person has voted or is inactive. *Id.* at § 16.1-02-10 (2003).⁹²

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for conviction of felony. N.D. Code § 12.1-33-01 (2003).

⁹¹ However, state law allows for optional voter registration within municipalities. N.D. Code § 40-21-10 (2003). Only one town, Medora, has voter registration. Secretary of State, *North Dakota . . . The Only State Without Voter Registration* (Jan. 2004), www.state.nd.us/sec/forms/pdf/votereg.pdf.

⁹² Although failure to appear on the list will not in itself prevent someone from voting, it may be grounds for a challenge of that voter's qualifications. The voter can overcome the challenge by execution of an affidavit of his/her qualifications to vote. See N.D. Cent. Code § 16.1-05-06 (2003).

OHIO

Is residence in a traditional dwelling required for registration?

No. Ohio Sec'y of State Advisory Op. No. 92-18 (June 11, 1992) ("a residence need not take the form of a house or apartment. A mission or shelter or even a park bench or crate under a bridge will suffice"). See also Ohio Rev. Code Ann. § 3503.02 (2004).

Is mailing address required to register?

No. See Ohio Rev. Code Ann. § 3503.14 (2004).

Is there a deadline for registration?

Yes. 30 days before election. Ohio Rev. Code Ann. § 3503.06 (2004).

Are there durational residency requirements?

Yes. 30 days residence in county and precinct required. Ohio Rev. Code Ann. §§ 3503.01, 3503.06 (2004).

What is the state's position regarding voter mobility?

Registered voter who moves out of state within 90 days prior to election may vote in former precinct for President and Vice President if requirements of Ohio Rev. Code Ann. § 3504.01 (2004) are met. Registered voter who moves from one precinct to another within the state may vote subject to conditions set forth in Ohio Rev. Code Ann. § 3506.16 (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. Ohio Rev. Code Ann. § 3503.14 (2004). Persons registering by mail after January 1, 2004, must provide identification⁹³ when attempting to vote for the first time, unless the person provides his/her current Ohio driver's license number or the last four digits of his/her SSN on the registration form. See <http://www.sos.state.oh.us/sos/voter/index.html>.

Are there registration identification requirements for all registrants?

No more than HAVA requirements. See <http://www.sos.state.oh.us/sos/voter/index.html> (stating that "identification is not required to register to vote in Ohio").

Is ID required on Election Day?

No, unless the voter registered by mail after Jan. 1, 2004 and is voting for the first time and has not provided his/her current Ohio driver's license number or the last four digits of his/her SSN on the registration form. See <http://www.sos.state.oh.us/sos/voter/index.html> (noting the HAVA identification requirement for first-time voters who registered by mail).⁹⁴

Does the state have procedures for the casting of provisional ballots?

Certain counties' voter registration forms reference these requirements, and the state plan for implementation of HAVA also provides for provisional voting, but it has not yet been codified by statute. See pages 33-34 of the Ohio state plan for implementation of HAVA, <http://www.sos.state.oh.us/sos/hava/files/hava2002.pdf>.

⁹³ Ohio has adopted a "liberal construction of voter ID" as required by HAVA and has publicized its intention to "extend identification requirements to include any reasonable means of identification such as utility bills, rent receipts or any legal or quasi-legal instrument that bears the name and address of the prospective voter." See Ohio's HAVA Implementation Plan, <http://www.sos.state.oh.us/sos/hava/files/hava2002.pdf>.

⁹⁴ Under Ohio's current law, a voter's identity is verified by comparing his/her signature on the poll book to the signature submitted on his/her registration form. Only if the signatures do not match is the voter required to show "proper identification." See Ohio Rev. Code Ann. § 3505.18.

How are names removed from the state voter registration list?

Failure to respond to mail inquiry and failure to vote in any election for the period covering the next two federal elections. Ohio Rev. Code Ann. § 3503.21(B) (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for conviction for a felony. Ohio Rev. Code Ann. § 2961.01 (2004).

OKLAHOMA

Is residence in a traditional dwelling required for registration?

No. Can draw residency on application. Must provide a "residence address" and, if different, a mailing address. If street address is not available for the residence, applicant must provide such information "as the State Election Board deems necessary for voter registration purposes." Okla. Stat. Ann. tit. 26, § 4-112 (2004) (as amended at 2004 Okla. Sess. Law Serv. Ch. 545 (S.B. 1346) (WEST)).

Is mailing address required to register?

Yes. Okla. Stat. Ann. tit. 26, § 4-112 (2004) (as amended at 2004 Okla. Sess. Law Serv. Ch. 545 (S.B. 1346) (WEST)).

Is there a deadline for registration?

Yes. 24 days before election. Okla. Stat. Ann. tit. 26, § 4-110.1 (2004).

Are there durational residency requirements?

No.

What is the state's position regarding voter mobility?

Voters may change their residence information at any time, as long as they satisfy the deadline for registration requirements. Okla. Stat. Ann. tit. 26, § 4-116, 4-118 (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. Okla. Stat. Ann. tit. 26, § 4-112 (2004) (as amended at 2004 Okla. Sess. Law Serv. Ch. 545 (S.B. 1346) (WEST)).

Are there registration identification requirements for all registrants?

Yes. Driver's license number or last four numbers of SSN required. Statute allows Secretary of State Election Board to further require on application "such other information as may be deemed necessary. . . to identify such voter and to ascertain his or her eligibility." Okla. Stat. Ann. tit. 26, § 4-112 (2004) (as amended at 2004 Okla. Sess. Law Serv. Ch. 545 (S.B. 1346) (WEST)). The current application requires driver's license, other photo identification, utility bill, bank statement or government document that shows name and address. See <http://www.state.ok.us/~elections/vrform.pdf>.

Is ID required on Election Day?

No, but identification may be requested if it was not provided with voter registration application. See Okla. Stat. Ann. tit. 26, § 7-115.2 (2004) (as amended at 2004 Okla. Sess. Law Serv. Ch. 545 (S.B. 1346) (WEST)).

Does the state have procedures for the casting of provisional ballots?

Yes. If precinct's registry does not contain the voter's name, he can vote if he shows his voter identification card, completes a voter registration application and signs affidavit. Okla. Stat. Ann. tit. 26, § 7-116.1 (2004) (as amended at 2004 Okla. Sess. Law Serv. Ch. 545 (S.B. 1346) (WEST)).

How are names removed from the state voter registration list?

Written notice of voter; death; registration in another county or state; failure to respond to a confirmation of address mailing and failure to vote in the second previous general election. Okla. Stat. Ann. tit. 26, §§ 4-120; 4-120.2 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony during full time period prescribed in judgment and sentence. Okla. Stat. Ann. tit. 26, § 4-101.

OREGON

Is residence in a traditional dwelling required for registration?

No. Or. Rev. Stat. § 247.038 (2003).

Is mailing address required to register?

Yes, but homeless individual may use address of clerk's office. Or. Rev. Stat. § 247.038 (2003).

Is there a deadline for registration?

Yes. Close of business on the twenty-first day before election. Or. Rev. Stat. § 247.025 (2003).

Are there durational residency requirements?

For Presidential elections only, no durational residency requirement for persons who meet all other registration requirements but have resided in the state less than 20 before the election. Or. Rev. Stat. § 247.410 (2003).

What is the state's position regarding voter mobility?

An elector whose registration is active or inactive may update the registration at any time before 8:00pm on the day of the election. Or. Rev. Stat. § 247.303 (2003). If voter moves to residence in same or new county, he should update his registration. Or. Rev. Stat. § 247.013 (2003). Also, persons moving out of the state 31 days before a Presidential election, who does not qualify to vote in the new state, may vote only for President and Vice President. Or. Rev. Stat. § 247.435 (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. Or. Rev. Stat. §§247.002, 247.385 (2003). See also http://www.sos.state.or.us/elections/HAVA/pdf/state_plan.pdf.

Are there registration identification requirements for all registrants?

No more than HAVA requirements. Or. Rev. Stat. §§ 247.002, 247.385 (2003). See also http://www.sos.state.or.us/elections/HAVA/pdf/state_plan.pdf.

Is ID required on Election Day?

No, only first time mail-in registrants who have not met identification requirements beforehand are required to produce identification at the polls. Or. Rev. Stat. § 247.385 (2003). See http://www.sos.state.or.us/elections/HAVA/pdf/state_plan.pdf.

Does the state have procedures for the casting of provisional ballots?

Yes. Or. Rev. Stat. § 254.408 (2003).

How are names removed from the state voter registration list?

A county clerk may cancel the registration of an elector: (1) at the request of the elector, (2) upon death of the elector, (3) upon notice that the elector has registered in another state or county, or (4) if elector fails to vote in two general elections after the transmission of notice. Or. Rev. Stat. § 247.555 (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for conviction of felony. Or. Const. Art. II, § 3 (2001).

PENNSYLVANIA

Is residence in a traditional dwelling required for registration?

No.⁹⁵ 25 Pa. Cons. Stat. Ann. § 1302(b) (2004).

Is mailing address required to register?

Yes.⁹⁶

Is there a deadline for registration?

Yes. 30 days before election. 25 Pa. Cons. Stat. Ann. § 1326 (2004).

Are there durational residency requirements?

Yes. 30 days residence in election district required. 25 Pa. Cons. Stat. Ann. § 1301(a) (2004).

What is the state's position regarding voter mobility?

Registered voter who moves to another location within the state may correct his/her voting records and vote at the former polling place. 25 Pa. Cons. Stat. Ann. § 1902 (2004). *See also* 25 Pa. Cons. Stat. Ann. § 1301(c) (2004)

Is ID required for first-time mail-in registrants?

Yes. Stricter than HAVA ID Requirements. All first time voters must present ID at the poll. 25 Pa. Cons. Stat. Ann. §§ 3050 (a) & (a.1) (2004).

Are there registration identification requirements for all registrants?

No more than HAVA requirements. *See* 25 Pa. Cons. Stat. Ann. § 1324 (2003); 25 Pa. Cons. Stat. Ann. § 3050 (2004).

Is ID required on Election Day?

No. Only first time voters are required to present ID at the polls. This includes first-time mail-in registrants as well as any other first time voter in any election district in the state. *See* 25 Pa. Cons. Stat. Ann. § 1324 (2003); 25 Pa. Cons. Stat. Ann. § 3050 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. 25 Pa. Cons. Stat. Ann. § 3050 (2004). A person who claims to be a registered voter but does not appear on the voter registration or a first time voter who is unable to meet the states identification requirement, may cast a provisional ballot. A person must sign an affidavit as to his/her identity and the ballot is counted upon verification by the county board of elections. *See id.* at §§ 3050.

How are names removed from the state voter registration list?

Names may be removed from state voter registration list (1) at request of the elector, (2) upon death of the elector, (3) upon confirmation that elector has moved to a residence outside the county, or (4) if elector fails to respond to a notice sent by the commission and fails to vote in

⁹⁵ Residency requirement can be satisfied by declaring on the registration form "the address of a shelter with which the applicant has an established relationship, to which the applicant expects to return, in the same relationship, and which accepts first-class non-forwardable mail for the applicant." *Committee for Dignity & Fairness for the Homeless v. Tartaglione*, 1984 U.S. Dist. LEXIS 23612 (E.D.PA. Sept., 14, 1984).

⁹⁶ A homeless voter may use the mailing address of a shelter. *See Tartaglione, supra*, note 20. If, however, an individual's voter registration card is returned by the postmaster as undeliverable at the given address, and a subsequent investigation reveals that the voter is not qualified to register from that address, "the commission shall reject the application and notify the individual by first class forwardable mail of this action." Pa. C.S. §1328(c)(5) (2002).

2 elections after receipt of such notice. 25 Pa. Cons. Stat. Ann. Pa. § 1506 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification during incarceration for conviction of a felony. *See* 25 Pa. Cons. Stat. Ann. § 1301 (2004); *Mixon v. Commonwealth*, 759 A.2d 442 (M.D. Pa. 2000), *aff'd*, 783 A.2d 763, 566 Pa. 616 (2001).⁹⁷

⁹⁷ *See also Martin v. Haggerty*, 120 Pa. Commw. 134, 548 A.2d 371 (1988) (upholding constitutionality of law preventing incarcerated felons from voting by absentee ballot); *Ray v. Commonwealth*, 442 Pa. 606, 276 A.2d 509 (1971) (statute excepting persons confined in penal institutions from definition of "absentee elector" was proper).

RHODE ISLAND

Is residence in a traditional dwelling required for registration?

No. A person's residence for voting purposes is his or her fixed domicile. Domicile is determined by a person's physical presence and intent to reside for an indefinite period. R.I. Gen. Laws § 17-1-3.1 (2004)

Is mailing address required to register?

Yes. R.I. Gen. Laws § 17-9-1.6 (2004). Voter needs to provide an address with which voter has contact.

Is there a deadline for registration?

Yes. 30 days before election. R.I. Gen. Laws § 17-9.1-3 (2004).

Are there durational residency requirements?

Yes. Must be resident of RI and of voting precinct for 30 days prior to election. R.I. Gen. Laws § 17-1-3 (2004).

What is the state's position regarding voter mobility?

A person who has not registered to vote or whose registration has been cancelled due to voter inactivity may cast a voter for president and vice president on election day at his or her city hall. The casting of that vote shall commence the process of voter registration. R.I. Gen. Laws § 17-1-3 (2004). Voter who moves within the voting district may vote at the polling place for that district if board is notified 30 days before election or voter provides an affirmation form at election. Voter who moves to another voting district within the same city or town 30 days before election may vote at the new polling place on completion of an affirmation form; if fewer than 30 days, may vote at old polling place on completion of affirmation form. Voter who moves to another city or town but remains in state and does not register from new address may vote with special paper ballot if move was within 6 months before election. R.I. Gen. Laws 17-9.1-16 (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. R.I. Gen. Laws. § 17-9.1-9 (2004) (to be amended by S.B. 734, 2003-2004 R.I. Leg. Sess.).

Are there registration identification requirements for all registrants?

No more than HAVA ID Requirements. R.I. Gen. Laws. § 17-9.1-6 (2004) (to be amended by S.B. 734, 2003-2004 R.I. Leg. Sess.).

Is ID required on Election Day?

No. R.I. Gen. Laws. § 17-19-24 (2004 R.I. Pub. Laws Ch. 04-295 04-s 2854).

Does the state have procedures for the casting of provisional ballots?

Yes. R.I. Gen. Laws § 17-19-24.1 (2004).

How are names removed from the state voter registration list?

Every odd-numbered year the central register is updated. R.I. Gen. Laws § 17-9.1-27 (2004). Address changes and undeliverable voter confirmation cards result in confirmation mailing, which must be answered within 14 days to prevent voter placement on the inactive list. Failure to vote by second general election after the confirmation mailing results in registration cancellation. R.I. Gen. Laws §§ 17-9.1-26 & 17-10-1 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony until completion of "sentence, served or suspended, and of parole or probation regardless of a nolo contendere plea." R.I. Const. Art. II, § 1.

SOUTH CAROLINA

Is residence in a traditional dwelling required for registration?

No. Homeless individuals may be registered to vote using a homeless shelter or facility of residence, if it is a residence, as the place to which he returns after a temporary absence. 1992 Op. Atty. Gen. 92-64; *see also* S.C. Code Ann. §§ 7-1-25 (2003) (defines residence) & 7-5-120 (2003) (general eligibility statute).

Is mailing address required to register?

Yes. S.C. Code Ann. § 7-5-170.
Homeless individuals may use shelter or facility of residence on registration card. 1992 Op. Atty. Gen. 92-64; S.C. Code Ann. § 7-5-170 (2003).

Is there a deadline for registration?

Yes. 30 days before election. S.C. Code § 7-5-150 (2003).

Are there durational residency requirements?

No. Must only be resident of county and in polling precinct in which elector offers to vote. S.C. Code Ann. § 7-5-120 (2003).

What is the state's position regarding voter mobility?

Any person registered to vote shall remain permanently registered unless his/her name is removed from the registration list. Code Ann. § 7-5-160 (2003). However, applicant may only apply in precinct of residence. S.C. Code Ann. §§ 7-5-120 & 7-5-170 (2003).

Is ID required for first-time mail-in registrants?

All registrants must provide SSN. S.C. Code Ann. § 7-5-170 (2003).

Are there registration identification requirements for all registrants?

All registrants must provide SSN. S.C. Code Ann. § 7-5-170 (2003). Must also provide name, address, sex, race, date of birth, residence, mailing address, telephone number, and location of prior voter registration. S.C. Code § 7-5-170 (2003).

Is ID required on Election Day?

Yes. A voter must produce a valid South Carolina driver's license, other form of photo ID issued by the Department of Public Safety or a signed voter registration card. S.C. Code Ann. § 7-13-710 (2003).

Does the state have procedures for the casting of provisional ballots?

Yes. S.C. Code Ann. § 7-13-830 (2003).
Additionally, in order to fully comply with HAVA by September 2004, South Carolina is revising current provisional balloting procedure to allow voting after polls have closed if a court order is present allowing such situation. The state is also developing procedure to notify provisional voters if their ballot was counted and, if not, why. See South Carolina State Plan, available at <http://www.state.sc.us/scsec/South%20Carolina%20HAVA%20State%20Plan.pdf>.

How are names removed from the state voter registration list?

Elector removed if s/he has not voted in the two consecutive general elections and has not responded to Committee's "notice" requesting change of address. S.C. Code Ann. § 7-5-330 (2003). Also, executive director of the State Election Commission shall remove the name of any elector (1) who is deceased, (2) who is no longer qualified to vote in the precinct where currently registered, (3) who has been convicted of a disqualifying crime, or (4) who requests in writing that his/her name be removed. S.C. Code Ann. § 7-3-20 (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification during imprisonment for conviction of a crime; disqualification for conviction of a felony or offenses against the

election laws unless and until sentence served, including probation and parole time unless sooner pardoned. S.C. Code Ann. § 7-5-120 (2003).

SOUTH DAKOTA

Is residence in a traditional dwelling required for registration?

No. S.D. Codified Laws § 12-1-4 (2003). Residence is "the place in which a person has fixed his or her habitation and to which the person, whenever absent, plans to return." *Id.*; *see also* S.D. Codified Laws § 12-4-1 (2003) (general eligibility statute).

Is mailing address required to register?

Yes. Registration form requires mailing address, if different than residence. State Board will confirm mailing address with a "Voter Registration Address Verification Notice." S.D. Admin. Code 5:02:03:01 & 5:02:03:19 (2004). *See also* S.D. Codified Laws (stating that registrants must fill out registration form developed by State Board).

Is there a deadline for registration?

Yes. 15 days before election. S.D. Codified Laws § 12-4-5 (2003).

Are there durational residency requirements?

No. Must be a resident of South Dakota. S.D. Codified Laws § 12-4-1 (2003).

What is the state's position regarding voter mobility?

NVRA provisions regarding mobility within certain geographical areas applies. S.D. Codified Laws § 12-4-32 (2003). *See* NVRA § 1973gg 6(e)(1)-(3). *See* attached Report for full explanation of NVRA provisions.

Is ID required for first-time mail-in registrants?

Yes. Driver's license number or last four digits of SSN. S.D. Codified Laws § 12-4-5.4 (2003).

Are there registration identification requirements for all registrants?

Yes. Driver's license number or last four digits of SSN for all applicants. However, if none available, applicant can register at county auditor's office by signing statement that no ID is available. S.D. Codified Laws § 12-4-5.4 (2003).

Is ID required on Election Day?

Yes, generally. Driver's license or non-driver ID card; passport or government ID w/ photo; tribe ID card with photo; approved student ID card w/ photo. S.D. Codified Laws § 12-18-6.1 (2003). More stringent than HAVA ID requirements, but ID requirement can be waived if voter signs affidavit at polling place. S.D. Codified Laws § 12-16-6.2 (2003).

Does the state have procedures for the casting of provisional ballots?

Yes. S.D. Codified Laws §§ 12-18-6.3 & 12-18-39 (2003).

How are names removed from the state voter registration list?

Confirmation mailing to those who fail to vote; if card not returned at least once in 4 years, verification request is sent. If not returned, status changed to inactive. If inactive voter does not vote by 2nd general election, registration is cancelled. S.D. Codified Laws §§ 12-4-19 & 12-4-19.4 (2003). Also, names may be removed if voter is declared mentally incompetent, deceased or having received a felony conviction. Codified Laws § 12-4-18 (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony until completion of entire sentence. S.D. Codified Laws §§ 12-4-18 & 12-4-1.1 (2003).

TENNESSEE

Is residence in a traditional dwelling required for registration?

No. Tenn. Code Ann. § 2-2-122 (2004). See also *State of Tennessee Voter Registration Homeless Persons: How, When and Where May Qualified Voters Register* (visited May 7, 2004) <<http://www.state.tn.us/sos/election/webhome.htm>>.

Is mailing address required to register?

Yes. Tenn. Code Ann. § 2-2-116, § 2-2-115 (2004). Tenn. Code Ann. § 2-2-106 (2004).

Is there a deadline for registration?

Yes. 30 days before election. Tenn. Code Ann. § 2-2-109 (2004).

Are there durational residency requirements?

No. A person must be a resident when registering to vote. Tenn. Code Ann. § 2-2-104 (2004); Tenn. Code Ann. § 2-2-102 (2004). Tennessee's previous durational residency requirement of 12 months in the state and 3 months in the county preceding an election were struck down by the U.S. Supreme Court in *Dunn v. Blumstein*, 405 U.S. 330 (1972).

What is the state's position regarding voter mobility?

If a person moves to a different county in the state within 90 days before the election, the voter may vote where registered. Tenn. Code Ann. § 2-7-115 (2004). If a person moves to a different precinct within the same county, the voter may vote in the new polling place after filling out a written affirmation of eligibility to vote in the new location. Tenn. Code Ann. § 2-7-140 (2004). If a person moves out of state within 30 days of a presidential election and, therefore, is ineligible to vote in the new residential location, the voter may vote for the president in the voting precinct in which she was last registered. Tenn. Code Ann. § 2-2-103 (2004).

Is ID required for first-time mail-in registrants?

Yes. Tennessee requires all registrants to provide their SSN on the voter registration form. Tenn. Code Ann. § 2-2-116 (2004). All first-time mail-in registrants shall appear in person to vote in the first election the person votes in after such registration becomes effective. Such person shall present satisfactory proof of identity at the poll. Tenn. Code Ann. § 2-2-115 (2004).

Are there registration identification requirements for all registrants?

Tennessee requires all registrants to provide their SSN on the voter registration form. Tenn. Code Ann. § 2-2-116 (2004).

Is ID required on Election Day?

No. However, ID is required for first-time mail-in registrants and for persons not on the permanent registration record. In a computerized county, the registrar may ask for identification as well. Tenn. Code Ann. § 2-7-112 (2004). Identification shall be a voter's registration certificate, Tennessee driver license, Social Security card, credit card bearing the applicant's signature or other document bearing the applicant's signature. If a voter is unable to present such evidence of identification, s/he is required to execute an affidavit of identity provided by the county election commission. Tenn. Code Ann. § 2-7-112 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. Tenn. Code Ann. § 2-7-112 (2004). If a person has changed residence or if the voter's registration is inactive, and therefore not on the permanent registration record, the registrar at the polling place may ask for identification to determine whether or not a person is entitled to vote. In a computerized county, the registrar may ask for identification as well. Tenn. Code Ann. § 2-7-112 (2004). Identification shall be a voter's registration certificate, Tennessee driver license, Social Security card, credit card bearing the applicant's signature or other document bearing the applicant's signature. If a voter is unable to present such evidence of identification, s/he is required to execute an affidavit

of identity provided by the county election commission. Tenn. Code Ann. § 2-7-112 (2004).

How are names removed from the state voter registration list?

If a voter fails to vote or update his/her registration over a period of 2 consecutive elections, the county election commission will mail out a forwardable confirmation notice. If the voter fails to respond to the notice, does not appear to vote, and does not update registration between the time the notice is sent and the second regular November election after the notice was sent, the voter's registration will be purged. Also, a name may be removed from the state voter registration list: (1) at the request of the voter, (2) 90 days after a change of name for any reason, other than marriage, (3) if the voter dies, (4) upon receiving information that voter has been convicted of an infamous crime, or (5) upon written confirmation that voter changed his/her address. Tenn. Code Ann. § 2-2-106 (2004).

How does an individual's criminal background affect his ability to vote?

Article 4, § 2 of the Tennessee Constitution allows the state legislature to deny voting rights to those convicted of "infamous" crimes. Under various state statutes, those convicted of certain felonies may not vote. The particular crimes that trigger the denial of suffrage and the conditions and procedures for reinstating voting rights varies depending upon when the offense was committed. See www.state.tn.us/sos/election/webcrime.htm for explanation and citations to statutes and case law.

TEXAS

Is residence in a traditional dwelling required for registration?

No. See Tex. Elec. Code Ann. § 13.002 (2004) (allowing applicant to describe location of residence that has no address). See also *Mills v. Bartlett*, 377 S.W.2d 636 (Tex. 1964) (stating that intent, volition and action comprise residence); 2004 Tex. AG LEXIS 1198 (defining residence); 1990 Tex. AG LEXIS 103 (citing *Pitts v. Black*, 608 F. Supp. 696 (D.C.N.Y. 1984) in defining residence).

Is mailing address required to register?

Yes, if residence has no address. Tex. Elec. Code § 13.002 (2004).

Is there a deadline for registration?

Can register on election day. Tex. Elec. Code Ann. § 12.004 (2004).

Are there durational residency requirements?

Must be resident of the county. Tex. Elec. Code Ann. § 13.001 (2004).

What is the state's position regarding voter mobility?

Voter who moves to new precinct may vote in former precinct until voter satisfies residency requirements of new precinct. Tex. Elec. Code Ann. § 11.004 (2004).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. Tex. Elec. Code Ann. §§ 13.122, 63.0101 (2004).

Are there registration identification requirements for all registrants?

Yes. No more than HAVA ID requirements. Tex. Elec. Code Ann. § 13.122 (2004).

Is ID required on Election Day?

Yes, voters must present their voter registration certificates and be on list of registered voters. If voter does not present certificate and is not on voter list, voter may cast a provisional ballot. Tex. Elec. Code Ann. § 63.009 (2004).

Does the state have procedures for the casting of provisional ballots?

Yes. Tex. Elec. Code Ann. § 63.011 (2004).

How are names removed from the state voter registration list?

Failure to respond to notice and vote in two general elections. Tex. Elec. Code Ann. § 16.032 (2004). Also, the registrar shall cancel voter's registration on receipt of notice that (1) the voter moved outside the county, (2) the voter died, (3) the voter was deemed mentally incompetent or convicted of a felony or (4) the voter requested cancellation of his/her registration. Tex. Elec. Code Ann. §§ 16.031, 16.032, 16.0331 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification during incarceration (including parole and probation) for conviction of felony. Tex. Elec. Code Ann. § 11.002 (2004).

UTAH

Is residence in a traditional dwelling required for registration?

No. Utah Code Ann. § 20A-2-105 (2004).

Is mailing address required to register?

Yes. Utah Code Ann. § 20A-2-104 (codified as amended at 2004 Utah Laws 219 (H.B. 301)).

Is there a deadline for registration?

Yes. For mail-in registration, the registration form must be postmarked at least 20 days before the election. Utah Code Ann. § 20A-2-202 (2004). A person may register in person at the County Clerk's Office until the 8th day before the election. Utah Code Ann. § 20A-2-201 (2004).

Are there durational residency requirements?

Yes. 30 days before election. Utah Code Ann. § 20A-2-101 (2004).

What is the state's position regarding voter mobility?

If a voter moves, s/he must have her registration transferred to the new district in order to vote. In order to vote a person must be both registered and residing in the district at the time of the election. *Beauregard v. Gunnison City*, 160 P. 815 (Utah 1916).

Is ID required for first-time mail-in registrants?

Yes. Utah Code Ann. § 20A-2-202 (2004). Utah requires that first time mail-in registrants submit either a copy of proof of identification or proof of residence with the mail-in registration form, or proof of identity or residence at the time of voting. Utah Code Ann. § 20A-2-202 (2004). Proof of identity is defined as "some form of photo identification, such as a driver's license or identification card, that establishes a person's identity." Proof of residence is defined as "some official document or form, such as a driver's license or utility bill that establishes a person's residence." Utah Code Ann. § 20A-1-102 (2004).

Are there registration identification requirements for all registrants?

Yes. For all registrants, registration form requires driver's license number or identification card number and last 4 digits of Social Security number. First time voters in a precinct must provide identification at the time of registration or at the polls. Utah Code Ann. § 20A-2-104 (codified as amended at 2004 Utah Laws 219 (H.B. 301)).

Is ID required on Election Day?

No. However, if an election judge does not know the person requesting a ballot and has reason to doubt the person's identity, the judge can request identification or have the person identified by a known registered voter. Utah Code Ann. § 20A-3-104 (2004). If a person is voting for the first time the judge shall request proof of identity or residence. *Id. But see*, Utah Code Ann. § 20A-2-104 (codified as amended at 2004 Utah Laws 219 (H.B. 301)), which allows a person to submit a copy of identification or proof of residency when registering as an alternative to providing such items when voting.

Does the state have procedures for the casting of provisional ballots?

Yes. Utah Code Ann. §§ 20A-3-105.5, 20A-2-307 (2004).

How are names removed from the state voter registration list?

Failure to respond to a notice sent by county clerk and failure to vote in two consecutive general elections after the notice was sent out. Utah Code Ann. § 20A-2-306 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for conviction of a felony. Utah Code Ann. §§ 20A-2-101 & 20A-2-101.5 (2004). See also Utah Const., Art. IV, § 6.

VERMONT

Is residence in a traditional dwelling required for registration?

No. Vt. Stat. Ann. tit. 17, § 2122 (2003).

Is mailing address required to register?

No. Vt. Stat. Ann. tit. 17, § 2145 (2003).

Is there a deadline for registration?

12:00 noon on 2nd Monday before election.

Vt. Stat. Ann. tit. 17, § 2144 (2003).

Are there durational residency requirements?

Must reside in VT and in town of registration. Vt. Stat. Ann. tit. 17, § 2121, 2122 (2003).

What is the state's position regarding voter mobility?

A voter who moves to another town must register in that town; however, voter maintains his voting rights in former town for 17 days following move. Vt. Stat. Ann. tit. 17, V.S.A. § 2122 (2003).

Moving within town requires only notification of change of address. Vt. Stat. Ann. tit. 17, § 2145(g) (2003).

Is ID required for first-time mail-in registrants?

Yes. If a first time mail-in registrant does not provide identification with registration form, s/he will need to provide identification at time of voting. Vt. Code. Ann. tit. 17 § 2563 (2003).

Are there registration identification requirements for all registrants?

No more than HAVA ID Requirements for federal elections only. Vt. Code. Ann. tit. 17 § 2563 (2003); Vt. Code Ann. tit. 17 § 2145 (codified as amended at 2003 VT H.B. 634 (SN)).

Is ID required on Election Day?

No, unless the voter is a first time voter who registered by mail and did not provide identification at the time of registration. Vt. Code. Ann. tit. 17 § 2563 (2003).

Does the state have procedures for the casting of provisional ballots?

Yes. Vt. Stat. Ann. tit. 17, §§ 2556, 2563 (2003).

How are names removed from the state voter registration list?

Board of Inquiry conducts investigation. If voter's eligibility is still undetermined, the Board sends a written notice to voter's last known mailing address. Failure to respond or to vote by the second general election after date of notice results in cancellation of registry. Vt. Stat. Ann. tit. 17, § 2150(d) (2003).

How does an individual's criminal background affect his ability to vote?

No disqualification. Even incarcerated felons may vote by absentee ballot. Vt. Stat. Ann. tit. 28, § 807(a) (2003).

VIRGINIA

Is residence in a traditional dwelling required for registration?

No. See Op. Va. Att'y Gen. 04-030 (May 19, 2004) ("homeless residents . . . may register to vote in a locality in the Commonwealth, so long as they have an intention to remain at that locality for an unlimited period of time").

Is mailing address required to register?

Yes. See Va. Code Ann. § 24.2-418 (2004); Va. Const., Art. II, § 1; Va. Op. Att'y Gen. 93-33 (1993).

Is there a deadline for registration?

Yes. 29 days before election. Va. Code Ann. § 24.2-416 (2004).

Are there durational residency requirements?

No.

What is the state's position regarding voter mobility?

Registered voter who moves his residence to another precinct within the Commonwealth may vote in the precinct from which s/he has moved in the following general election and any intervening election. Va. Code Ann. § 24.2-401 (2004). One who moves outside the Commonwealth after the thirtieth day preceding a presidential election may vote in the precinct from which s/he has moved only in that election and only for President and Vice President. Va. Code Ann. § 24.2-402 (2004).

Is ID required for first-time mail-in registrants?

All registrants are required to provide their full Social Security number. See Va. Code Ann. § 24.2-418 (2004).⁹⁸ First time mail-in registrants may also provide a copy of acceptable ID with their registration form to avoid presenting ID at the polls. See http://www.sbe.state.va.us/Election/Voting_In_Va/voter_id_requirements.htm.

Are there registration identification requirements for all registrants?

Yes. Photo ID is not required for registration, but an applicant's full SSN is required, if he or she has one. Va. Const., Art. II, § 2; Va. Code Ann. § 24.2-418 (2004).

Is ID required on Election Day?

ID is requested. However, those who are listed in the poll book but cannot present a valid ID may vote after signing an affirmation of identity form. Va. Code Ann. § 24.2-643(B) (2003). First time mail-in registrants and voters not listed in the poll book who do not have ID cannot vote by regular ballot through signing the affirmation. Instead, they can cast a provisional ballot. *Id.*

Does the state have procedures for the casting of provisional ballots?

Yes. Voters not listed in the poll book or first-time mail-in registrants who cannot produce the required ID at the polls may vote by provisional ballot. See Va. Code Ann. § 24.2-643(E)

⁹⁸ In federal elections in 2004, HAVA-mandated ID requirements will apply to any first-time voter who: (1) registered by mail after January 1, 2003; (2) has not previously voted in a federal election in Virginia; and (3) registered stating that s/he did not have a SSN, or provided a SSN which could not be verified. These voters must either include copy of ID at the time of registration or at the polls. Acceptable forms of ID include a current and valid photo ID (for example a driver's license); a current utility bill, bank statement, government check or paycheck that shows name and address; or another government document that shows name and address (for example a voter card). See http://www.sbe.state.va.us/Election/Voting_In_Va/voter_id_requirements.htm. Affirmation of identity forms will not be accepted. Any such voter who does not present the required ID can cast a provisional ballot. Va. Code Ann. § 24.2-643(B) (2003).

(2004); Va. Code Ann. § 24.2-653 (codified as amended at 2004 Virginia Laws Ch. 410 (S.B. 462)).

How are names removed from the state voter registration list?

The State places an individual on an inactive status list if he/she fails to respond to an election board mail inquiry within 30 days. The State cancels registration if voter fails to notify registrar and does not vote in two consecutive federal elections. The general registrar shall post at the courthouse or have published in a newspaper of general circulation in his/her county or city a list of names of persons whose registration has been cancelled. A voter may also be removed from the state voter registration list: (1) voter requests removal, (2) voter's death, (3) voter's felony conviction or (4) voter moves from the Commonwealth. Va. Code Ann. §§ 24.2-428, 428.2 (2004).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of a felony unless and until right has been restored by the Governor. See Va. Code Ann. §§ 24.2-101 (defining qualified voter); 24.2-404(A)(4); (2004) Va. Const. Art 2, § 1.⁹⁹

⁹⁹ Those who have not been convicted of a violent offense, a drug distribution offense, or voting fraud may petition the Governor for restoration of voting rights if s/he is free of any suspended sentence, probation, and parole for at least 3 years and has paid all court costs, fees and restitution. Va. Code Ann. § 53.1-231.1 & 231.2 (2003). See also <http://www.commonwealth.virginia.gov/Clemency/clemency.cfm>. A guide to the procedures for the restoration of voting rights in Virginia is available at <http://www.advancementproject.org/vavoting.pdf>.

WASHINGTON

Is residence in a traditional dwelling required for registration?

No. "Residence" for the purpose of registering and voting means a person's permanent address where he or she physically resides and maintains his or her abode. Wash. Rev. Code Ann. § 29A.04.151 (2003).

Is mailing address required to register?

Yes. Wash. Rev. Code Ann. § 29A.08.210 (codified as amended at 2004 Wash. Legis. Serv. 267 (S.S.B. 6419) (West)).

Is there a deadline for registration?

Yes. 30 days before the election, Wash. Rev. Code Ann. § 29A.08.140 (codified as amended at 2004 Wash. Legis. Serv. 267 (S.S.B. 6419) (West)), or 15 days before if registering in person at the office of the county auditor or at a voter registration location designated by the county auditor to vote by absentee ballot only. Wash. Rev. Code Ann. § 29A.08.145 (codified as amended at 2004 Wash. Legis. Serv. 267 (S.S.B. 6419) (West)).

Are there durational residency requirements?

Yes. Voters must have lived in the state, county and precinct thirty days immediately preceding the election in which they offer to vote. Wash. Const. Art. VI, § 1, Wash. Rev. Code Ann. § 29A.08.230 (2003).

What is the state's position regarding voter mobility?

Voter must physically leave the previous residence with the intention of establishing a new residence at another location. Voter does not lose residence for voting purposes simply because s/he is no longer residing at the physical location where s/he is registered (e.g. armed forces). Wash. Rev. Code Ann. § 29A.04.151 (2003). Voter who has moved may change his or her listed address on the day of the election, but must vote in the precinct in which previously registered. Wash. Rev. Code Ann. § 29A.08.430 (2004) (as amended at 2004 Wash. Legis. Serv. Ch. 267 (S.S.B. 6419) (WEST)).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID requirements. Wash. Rev. Code Ann. § 29A.08.010 (codified as amended at 2004 Wash. Legis. Serv. 267 (S.S.B. 6419)(West)).

Are there registration identification requirements for all registrants?

No more than HAVA ID requirements. Wash. Rev. Code Ann. § 29A.08.110 (codified as amended at 2004 Wash. Legis. Serv. 267 (S.S.B. 6419)(West)).

Is ID required on Election Day?

None required. The voter must sign the precinct list of registered voters. Wash. Rev. Code Ann. § 29A.44.210 (2003).

Does the state have procedures for the casting of provisional ballots?

Yes. Wash. Rev. Code Ann. § 29A.08.820; (2003) Wash. Rev. Code Ann. § 434-253-043 (2003).

How are names removed from the state voter registration list?

Secretary of State has overall responsibility for maintaining voter lists and working with the local county auditors to do so. Names are removed for (1) death, (2) incapacitation, (3) notice of address change from US Postal Service, (4) duplicate registration with another county, Wash. Rev. Code Ann. § 29A.08.610 (codified as amended at 2004 Wash. Legis. Serv. 267 (S.S.B. 6419) (West)), and (5) if voter fails to vote beginning when their status was changed to inactive until the day of the second general election for federal office, and fails to respond to notice. Wash. Rev. Code Ann. § 29A.08.630 (codified as amended at 2004 Wash. Legis. Serv. 267 (S.S.B. 6419) (West)).

How does an individual's criminal background affect his ability to vote?

Disqualification for felony conviction unless and until voting rights have been restored by pardon, of restoration of rights after sentence served. See Wash. Rev. Code Ann. § 9.96.050 (2003).

WASHINGTON, D.C.

Is residence in a traditional dwelling required for registration?

No. Principal or primary home or place of abode is that home or place in which the person's habitation is fixed and to which a person, whenever he or she is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence. D.C. Code Ann. § 1-1001.02(2)(A) and (16)(A). It must be sufficient to permit the Board of Elections and Ethics ("BOEE") to assign a polling place. D.C. Mun. Regs. tit. 3, § 500.6 (2004).

Is mailing address required to register?

Yes, but it may be separate from residence. *In re Applications for Voter Registration of Willie R. Jenkins, et. al.* (D.C. Board of Elections and Ethics June 7, 1984). It must be sufficient to facilitate the official communications required by law. D.C. Mun. Regs. tit. 3, § 500.7 (2004).

Is there a deadline for registration?

Yes. 30 days before the election. D.C. Code Ann. § 1-1001.07(g) (2004).

Are there durational residency requirements?

Yes. Must have maintained a residence in DC for at least 30 days prior to election. D.C. Code Ann. § 1-1001.02(2)(A) (2004).

What is the state's position regarding voter mobility?

Voter may notify the BOEE in person of a change in address on the day of the election at the polling place serving the new address that his or her address has changed, and will be permitted to vote. D.C. Code Ann. § 1-1001.07(i) (2004).

1s ID required for first-time mail-in registrants?

HAVA ID requirements. D.C. Code Ann. § 1-1001.07 (2004) (to be amended at 2003 D.C. Stat. 15-283). See also http://www.dcboee.org/voterinfo/voter_guide.shtm.

Are there registration identification requirements for all registrants?

No more than HAVA ID requirements. D.C. Code Ann. § 1-1001.07 (2004) (to be amended at 2003 D.C. Stat. 15-283). See also http://www.dcboee.org/voterinfo/voter_guide.shtm.

Is ID required on Election Day?

No, except when at the polls, an individual who has not previously voted in a federal election in the District and registers to vote by mail must provide either a copy of a current and valid government-issued photo identification or a copy of a current utility bill, bank statement, government check, or pay check that shows the name and address of the voter. This does not apply to voters who satisfy the HAVA requirements at the time of registration or whose identity is verified by the Board through their driver's license number or the last 4 digits of their Social Security number. D.C. Code Ann. § 1-1001.07(i) (2004) (to be amended at 2003 D.C. Stat. 15-283). See also http://www.dcboee.org/voterinfo/voter_guide.shtm.

Does the state have procedures for the casting of provisional ballots?

Yes. D.C. Code Ann. §§ 1-1001.09, 1-1001.07 (2004) (to be codified at 2003 D.C. Stat. 15-283).

How are names removed from the state voter registration list?

D.C. Code Ann. § 1-1001.07(j) (2004) provides for a bi-annual procedure for removing voters who do not respond to cards mailed by the BOEE to their address and who do not vote in the next two general elections. *But see* "state's position on voter mobility."

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for felony conviction. D.C. Code Ann. § 1-1001.02 (2004).

WEST VIRGINIA

Is residence in a traditional dwelling required for registration?

No. W. Va. Code Ann. § 3-2-5 (2003).

Is mailing address required to register?

No. W. Va. Code Ann. § 3-2-5 (2003).

Is there a deadline for registration?

Yes. Registration closes 20 days before the election. W. Va. Code Ann. § 3-2-6 (2003)

Are there durational residency requirements?

No. To be qualified, a person must be a citizen of the United States and a legal resident of West Virginia and of the county where he or she is applying to register. W. Va. Code Ann. § 3-2-2 (2003)

What is the state's position regarding voter mobility?

Voter who moves to a new address within the same county may file an affidavit of change of address at the polling place of the precinct in which the new residence is located on election day. W. Va. Code Ann. § 3-2-22(9)(6) (2003).

Is ID required for first-time mail-in registrants?

Yes. HAVA ID Requirements. W. Va. Code Ann. § 3-2-10 (2003).

Are there registration identification requirements for all registrants?

Yes. Driver's license or last 4 digits of SSN. W. Va. Code Ann. § 3-2-5 (2003).

Is ID required on Election Day?

Yes, if a first time mail-in registrant votes in person and has not provided copy of ID with registration or whose identity has not been confirmed through driver's license number or SSN by state. W. Va. Code Ann. § 3-2-10 (2003).

Does the state have procedures for the casting of provisional ballots?

Yes. W. Va. Code Ann. § 3-2-10 (2003).

How are names removed from the state voter registration list?

The clerk of the county commission shall cancel the records of all voters on the inactive file who have not responded to the confirmation notice, who have not voted in two general elections for federal office occurring after the date of the notice or who have not updated their voter registrations. W. Va. Code Ann. § 3-2-27(e) (2003). Names may also be removed upon death of the voter, written request for cancellation by the voter, or upon notice of a change of voter's address. W. Va. Code Ann. § 3-2-23 (2003).

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of treason, felony or bribery in an election. W. Va. Code Ann. § 3-1-3 (2003).

WISCONSIN

Is residence in a traditional dwelling required for registration?

No. The residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return. Wis. Stat. Ann. § 6.10 (2003).

Is mailing address required to register?

No. Wis. Stat. Ann. § 6.33 (codified as amended at 2003-2004 Wis. Legis. Serv. 265 (2003 A.B. 600) (West)).

Is there a deadline for registration?

Yes. For mail-in registration, registration closes at 5 pm on the 2nd Wednesday preceding the election. Wis. Stat. Ann. § 6.28 (2003). However, people may register in person up until 5 pm the day before the election at the municipal clerk's office or on Election Day at the polls, provided they can present acceptable proof of residence. Wis. Stat. Ann. §§ 6.29, 6.55 (2003).

Are there durational residency requirements?

Yes. Must reside in an election district or ward for 10 days before the election. Wis. Stat. Ann. § 6.02 (2003).

What is the state's position regarding voter mobility?

A person who moves within the state in the 10 day period can vote in his/her previous ward. If a person moves after the registration deadline, but before 10 days preceding the election, s/he may vote in the new ward. See Wis. Stat. Ann. §§ 6.02(2), 6.10(3), 6.15 (codified as amended at 2003-2004 Wis. Legis. Serv. 265 (2003 A.B. 600) (West)) (applying to persons moving from out of state to WI within the 10 day period, and ability to vote only for President and VP).

Is ID required for first-time mail-in registrants?

First time mail-in registrants must provide identification either at the time of registration or when voting. Wis. Stat. Ann. § 6.36. *See also* <http://elections.state.wi.us/HAVA/Final%20State%20Plan.pdf>.

Are there registration identification requirements for all registrants?

Effective until 1/1/06 - No. Wis. Stat. Ann. §§ 6.33(1) and (2) (codified as amended at 2003-2004 Wis. Legis. Serv. 265 (2003 A.B. 600) (West)). Effective 1/1/06 – No more than HAVA ID Requirements. Wis. Stat. § 6.33(1) and (2) (codified as amended at 2003-2004 Wis. Legis. Serv. 265 (2003 A.B. 600) (West)). But note that there is an affidavit of residency required for persons who moved to Wisconsin less than 10 days before a Presidential election. Wis. Stat. § 6.15 (codified as amended at 2003-2004 Wis. Legis. Serv. 265 (2003 A.B. 600) (West)).

Is ID required on Election Day?

No, except for voters who registered by mail and have not voted in an election for federal office in WI who did not present identification previously. Wis. Stat. Ann. §§ 6.36, 6.79 (codified as amended at 2003-2004 Wis. Legis. Serv. 327 (S.B. 566) (West)). In addition, new resident voters (i.e. voters who moved into the state less than 10 days before the presidential election) must provide either (1) current photo identification or (2) copy of utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the voter, Wis. Stat. Ann. §§ 5.02, 6.15(3) (codified as amended at 2003-2004 Wis. Legis. Serv. 265 (2003 A.B. 600) (West)). As well as voters who claim they are registered but whose names do not appear in the registration list must provide the same ID and an affidavit of residency. Wis. Stat. Ann. § 6.55(3) – (7), (codified as amended at 2003-2004 Wis. Legis. Serv. 265 (2003 A.B. 600) (West)).

Does the state have procedures for the casting of provisional ballots?

Yes. Wis. Stat. Ann. §§ 6.55 (codified as amended at 2003-2004 Wis. Legis. Serv. 265 (2003 A.B. 600) (West)), 6.97, 6.95 (2003).

How are names removed from the state voter registration list?

Voters are removed from registration list upon (1) failure to respond to mail confirmation sent to voters who haven't voted in previous four years (if qualified to do so for that entire period), (2) death, (3) change of address notice from US Postal Service with notice to voter or (4) voter's request. Wis. Stat. Ann. § 6.50 (codified as amended at 2003-2004 Wis. Legis. Serv. 265 (2003 A.B. 600) (West); 2003-2004 Wis. Legis. Serv. 326 (2003 S.B. 564) (West)).

How does an individual's criminal background affect his ability to vote?

Disqualification while incarcerated for conviction for treason, felony, or bribery. Wis. Stat. Ann. §§ 6.03(1)(b); & 304.078(2).

WYOMING

Is residence in a traditional dwelling required for registration?

No. Residence is the place where a person has a current, actual habitation and to which, whenever he is absent, he has the intention of returning. Wyo. Stat. Ann. § 22-1-102(xxx) (2003). The county clerk may strike a registered voter from the county voter registration list for failure to meet the residency qualifications as reasonably determined by the clerk. Wyo. Stat. Ann. § 22-3-105(b) (2003).

Is mailing address required to register?

No. Wyo. Stat. Ann. § 22-3-108 (2003).

Is there a deadline for registration?

Yes. 30 days. Wyo. Stat. Ann. § 22-3-102(a) (2003). However, there is also in person registration on Election Day at a person's appropriate polling place. 2004 Wyo. Sess. Laws 94 (to be codified at Wyo. Stat. Ann. § 882-3-104).

Are there durational residency requirements?

Yes. 30 days prior to the election. Wyo. Stat. Ann. § 22-3-102(a) (2003).

What is the state's position regarding voter mobility?

Voter may vote in his or her old precinct if s/he moved to new precinct too late to gain voting residence. Wyo. Stat. Ann. § 22-13-102 (2003).

Is ID required for first-time mail-in registrants?

Yes. Mail-in registrants must provide acceptable form of identification as defined by Secretary of State. 2004 Wyo. Sess. Laws 94 Section 1 (to be codified at Wyo. Stat. Ann. § 882-3-104); Wyo. Stat. Ann. § 22-1-102(A)(xxxix) (2003).

Are there registration identification requirements for all registrants?

Yes. All registrants must provide acceptable form of identification. 2004 Wyo. Sess. Laws 94 (to be codified at Wyo. Stat. Ann. § 88-3104).

Is ID required on Election Day?

No, except when voter registers by mail and is voting in person in his/her first Wyoming federal election, the voter must provide: (i) A current, valid photo identification; or (ii) a copy of a current utility bill, bank statement, paycheck, government check or other government document which shows his/her name and address. 2004 Wyo. Sess. Laws 94 (to be codified at Wyo. Stat. Ann. § 22-3-118(a) and (b)).

Does the state have procedures for the casting of provisional ballots?

Yes. Wyo. Stat. § 22-15-105 (as amended by Wyo. Sess. Laws 94 , § 2). *See also* Wyo. Sess. Laws 94 (to be codified at Wyo. Stat. § 22-3-118(d) (2003)).

How are names removed from the state voter registration list?

By rules established by the Wyo. Sec. of State regarding (1) driver's license information, (2) state felony convictions, (3) death records, and (4) restoration of voting rights by parole board. 2004 Wyo. Sess. Laws 94 (to be codified at Wyo. Stat. § 22-3-102(e) (2003)). *See also* the discussion of county clerk under "Residency Requirements."

How does an individual's criminal background affect his ability to vote?

Disqualification for conviction of felony unless and until right has been restored. Wyo. Const., Art. VI, § 6; Wyo. Stat. Ann. § 22-3-102(a)(v) (2003).

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