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***Voter Registration & Identification Systems  
in the United States***

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VOTER REGISTRATION & IDENTIFICATION SYSTEMS  
IN THE UNITED STATES

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INTRODUCTION

Historically, election officials in the 13,000 local election jurisdictions of the United States (i.e.; counties, parishes, independent cities, and townships) have had the primary responsibility for determining who is eligible to vote in all elections and for maintaining the lists of eligible voters. More recently, state election officials in several states also have become involved in the creation or maintenance of current lists of eligible voters, aided by the increased use of computers for maintaining government records. While there are certain common characteristics among the approaches used in the 50 states and the District of Columbia, there are also important differences among them based on their history and culture.

State and local election officials are bound by state laws and practices governing the identification and registration of eligible voters, by general provisions of the U.S. Constitution, and by a few federal laws. Federal laws protecting the right of absent military and overseas citizens to register to vote in federal elections were passed originally in 1955 and 1975, respectively. Other federal laws were passed prohibiting certain fraudulent or coercive actions in the voter registration process.

Until recently, however, only the federal Voting Rights Act has had any broad impact on the process of creating and maintaining the lists of eligible voters. This Act was implemented primarily to enforce provisions of the U.S. Constitution that prohibit denying the right to vote on account of race or color. First passed in 1965 and amended many times subsequently, the Voting Rights Act applies to elections to federal, state, and local office and prohibits election laws and procedures that discriminate against individuals on account of race, color, or language minority status.

Then, in 1993, the National Voter Registration Act was signed into law. This new law is expected to result in greater uniformity among the states in both how persons may appear on the list of eligible voters and how the lists are kept accurate, although some variation among and within

states is expected to remain. Although this Act legally only applies to registering to vote and to voting in elections to federal office, its implementation is expected to affect state and local elections as well because:

- o local jurisdictions in all but apparently one state require a person to apply to appear on the list of voters only once for all elections (i.e.; federal, state, and local) and also maintain only one list of persons eligible to vote in these elections; and
- o requiring voters to register to vote separately for different types of elections (i.e.; federal, state, or local) has been found to violate provisions of the federal Voting Rights Act when such state "dual registration" requirements have been challenged in courts of law.

Moreover, the Act requires the Federal Election Commission to report to the U.S. Congress every two years on the impact of the law on the administration of elections, and to recommend improvements in procedures and forms.

The procedures currently used by local jurisdictions in the United States to develop and maintain lists of eligible voters, and the modifications to these procedures expected under the National Voter Registration Act are described below.

#### VOTER REGISTRATION

The procedures currently used in the United States to establish lists of eligible voters vary dramatically from state to state, and even from local jurisdiction to local jurisdiction within the states. There are differences in how eligible voters may be identified, how and when they are placed on lists of eligible voters, and how the list of eligible voters is maintained over time.

The National Voter Registration Act of 1993 will induce states to change current procedures. These changes will be substantial in some states, and are likely to lead to increased use of computers in the maintenance of lists of eligible voters.

#### How Eligible Voters Are Identified

The U.S. Constitution prohibits state and local jurisdictions from denying the right to vote on account of race, color, sex, or failure to pay a poll tax; and from denying anyone eighteen years and older the right to vote solely because of age. Federal courts of law have also

determined that the right to vote may not be denied because an individual fails to have a traditional address or, for most elections, fails to hold property.

Other than these provisions, the qualifications to be eligible to vote in the United States are established by and vary among the states. All states require voters to be citizens of the United States and residents of the state in which they wish to vote. The vast majority of states also require voters to be residents of the local jurisdiction in which they will cast their votes. States, however, differ in the length of time a person has to have been a resident, and in whether or not someone who has been convicted of a crime or has been declared mentally incompetent is eligible to vote. States also differ in the earliest age persons must have acquired before they are eligible to register vote.

There is no central registry of all United States citizens, nor do states maintain a civil registry of their residents of eligible age. Consequently, the only way to identify individuals who may be eligible to vote in a particular jurisdiction is when those individuals voluntarily declare themselves to meet the eligibility requirements, usually when applying to register to vote. In a limited number of instances, persons who do not meet the eligibility requirements use this system to their advantage and falsely claim to be eligible.

A number of different approaches have been used in the United States to encourage eligible individuals to register to vote and to identify those persons applying to register or who are on the list of eligible voters who are no longer, or never have been, eligible. Programs currently in use and those that will be implemented under the National Voter Registration Act are described below.

#### How Names of Eligible Voters Are Collected and Lists Created

The methods used within the states to collect the names and other pertinent information of eligible voters varies from state to state, and among the local jurisdictions within a state. The current methods used as well as those to be implemented in accordance with the federal National Voter Registration Act of 1993 are described below.

#### What Methods Are Used Now

The District of Columbia and 49 of the 50 states currently require a person to register to vote prior to being permitted to vote. The only state that does not register voters, North Dakota, is a sparsely populated state with little mobility amongst its population and virtually no history of election fraud. Instead of registering voters,

local election officials in that state identify eligible voters by preserving lists of those who voted in previous elections and permitting individuals appearing for the first time in the current election to confirm their eligibility by presenting some form of identification, such as a driver's license, or by having someone already on previous lists vouch for them.

In all other states, local registration officials are responsible for determining if applicants for voter registration are eligible. In some instances, this might include requiring formal evidence of the individual's identity, address, or citizenship status before adding the name to the list of registered voters.

Once registered, the person's name remains on the list of eligible voters for subsequent elections held in that local jurisdiction until it is removed by the local election official upon request of the voter or during a program to correct or up-date the list. When individuals move to another local jurisdiction, they are required to register in that jurisdiction and their registration in their former community is canceled.

States use a variety of different methods to enable citizens to register. They include, in descending order of use, application for registration:

- o before an election official at the local election office during office hours, sometimes only on certain days (permitted in all states and the District of Columbia);
- o before part-time deputy registrars appointed by the local election official, who appear at various places in the community at prearranged times to register voters or who are part of an organized effort in specific neighborhoods to register voters (permitted in 36 states);
- o by mail (permitted in 27 states and the District of Columbia);
- o at motor vehicle offices (permitted in 26 states and the District of Columbia);
- o at other public agencies and private businesses that have frequent contact with the public (permitted in 15 states and the District of Columbia); or
- o on election day (permitted in 4 states for all elections and by 2 more states for voting for U.S. President only).

Depending on state law and the particular agency involved, voter registration at motor vehicle offices or other agencies may be conducted in either an active or passive manner.

Active registration systems require the agency officials to take an active role in assisting citizens to become registered. The means of doing this include:

- o integrating the voter registration form into the agency's own intake forms;
- o including a written question on the agency's intake forms asking if the client wants to register to vote, with the agency staff offering assistance in completing the voter registration form; or
- o asking each client if he or she wants to register to vote and offering assistance in completing the voter registration information.

Regardless of the means of assistance, the agency accepts completed applications and forwards them to the appropriate election official at the appropriate times.

In passive registration systems, voter registration applications are available to the public in agency offices on table tops or in some kind of display. Agency personnel may or may not answer questions or provide assistance to persons completing the applications, and may or may not accept the completed applications for transmittal to the appropriate election office.

In all states, except those permitting election day registration, registration applications must be submitted to the appropriate official no later than a certain number of days before an election in order to vote in that election and subsequent elections. This registration deadline is established by state law. The most common state deadline is 30 or 29 days before an election, although several states have deadlines as late as 15 or 10 days before an election.

Local election officials often have broad authority to determine how to register voters. Some local election officials have voluntarily gone beyond what their state law specifically permits and have established registration procedures, not specifically prohibited by law, that make it easier for persons to register to vote. Other local election officials implement only those procedures either specifically permitted or required by state law.

The substance and format of the voter registration application forms vary among and within the states. State law determines the information to be requested on the forms.

In some states, this information is limited to items that would establish the individual's identity and eligibility to vote in certain elections; in others it is more extensive -- even including requests for the applicant's occupation or mother's maiden name. The forms themselves are usually cards of a uniform size within the local jurisdiction, but may be large sheets of paper. The instructions printed on the applications may be written in easy to understand language or complex legal language.

Local jurisdictions do not always inform applicants of the disposition of their applications. Some jurisdictions formally acknowledge the receipt of all registration applications, confirming those that are considered valid registrations and explaining why any application is rejected. Others acknowledge only those applications accepted as valid registrations from eligible individuals. Acknowledgments of valid applications often include information on the registrant's legislative districts and polling place.

#### Methods Required by the National Voter Registration Act

The U.S. Congress, having received complaints about how difficult it is to register to vote in some states, passed the National Voter Registration Act of 1993. The primary purpose of this law is to expand the number of locations and opportunities whereby eligible citizens may apply to register to vote.

The National Voter Registration Act requires all but four exempt states (i.e.; the one state that does not have voter registration and the three states that have election day registration at the polls for all federal elections) to implement a number of voter registration procedures, in most cases by January 1995. States and local jurisdictions will be required to provide eligible individuals the opportunity to apply for voter registration for federal elections:

- o when they are applying for or renewing a driver's license or an identification card issued by the state motor vehicle office (estimated to provide access to 87% of the eligible population);
- o when they are applying for or seeking renewal of services at other public agencies such as those providing public assistance to the needy, those serving the disabled, military recruitment offices, and others designated by the state that have frequent contact with the public (estimated to provide access to most of the remaining population of eligible voters);



- o by mail using either a federal form to be designed by the Federal Election Commission or a state form, with particular emphasis on providing these forms to organized voter registration drives; and
- o through private businesses, private agencies, and offices of the federal government, with the agreement of those offices.

The Act requires that no more information be requested on the voter registration applications than that which is necessary to determine the applicant's eligibility and to administer other parts of the election process. This requirement was enacted to prevent the continued use of complicated forms that tend to confuse and discourage applicants. The Act specifies that certain information be preprinted on the application forms stating the eligibility requirements to register, the penalties for false registration, and other information Congress deemed important. The Act also requires the signature of the voter under penalty of perjury.

The Act requires that active registration procedures be implemented in the state motor vehicle offices and other agencies designated by or in accordance with the provisions of the law. Application for registration must take place simultaneously with other business (e.g.; applicants should not be required to stand in two different lines, one for the business at hand and the other to apply to register).

The Act requires that local election officials accept valid applications if they have been received by the motor vehicle office or other agency, have been postmarked, or have been received by the appropriate election official by the deadline imposed by state law -- provided that deadline is no more than 30 days before the election. Local election officials retain the responsibility for determining if the applicant is eligible and whether or not the application is valid; however, they must notify all applicants of the disposition of their applications. The Act would not change any state laws requiring registrants who move from one local jurisdiction to another to register in their new community.

#### How Lists of Eligible Voters Are Kept Accurate

Generally, the responsibility for maintaining accurate and up-to-date lists rests with local election officials, who have been guided in varying degrees by state law and practice. More recently, some state election offices have become involved in the process to a limited extent. The methods and timetables currently used are described below. In addition, the impact of the National Voter Registration Act on voter list maintenance is discussed.

## What Methods Are Used Now

The primary method used in 38 states to maintain the lists of registered voters is to remove names of registrants when the individuals have failed to vote in at least one election over a specified period of time (e.g.; two, four, or five years). The remaining 11 states and the District of Columbia remove names of ineligible individuals and correct information on the registrants who continue to be eligible by using two primary sources of information:

- o mailings to registrants that have been returned by the U.S. Postal Service with new addresses or "Return Undeliverable" noted on them because the individual no longer lives at the address from which they originally registered; or
- o computerized lists of change-of-address information submitted to the U.S. Postal Service by registrants who have moved and want their mail forwarded to their new address (estimated to be filed by 90% of those changing address in the United States).

In addition, some states and local jurisdictions have implemented programs to help them identify registrants who are no longer eligible to vote because they have been convicted of a disqualifying crime, have been declared mentally incompetent, or have died. These programs generally rely on reports from other public agencies, such as general courts of law or state offices that retain records of deaths. Local jurisdictions in all states also accept requests for removal from the registrants themselves and many accept notices from other jurisdictions canceling registration when an individual has registered in the new jurisdiction.

Although the responsibility for maintaining accurate and up-to-date lists rests with local election officials, some states have become involved by:

- o listing all registrants on a central computerized list, which assists in the cancellation of previous registrations when an individual moves within the state and which can be used with the change-of-address information from the U.S. Postal Service to up-date the list for changes of address within local jurisdictions of the state;
- o requiring all local jurisdictions to submit their lists of registered voters in electronic media using a specific format, which then are used to identify possible duplicate registrations within the state; or

- o requiring appropriate agencies to report to them information on deaths, convictions of crimes, and declarations of mental incompetence, which is then forwarded to local jurisdictions for use in maintaining accurate lists.

In most states, the local jurisdiction sends a notice to the individual whose name is about to be removed from the list of eligible voters. In some states, the practice of notification varies. Four states do not require registrants to be notified when their name is to be removed. Consequently, some registrants do not discover that they have been removed from the list of eligible voters until they appear to vote on election day or apply to vote absentee.

#### When Are These Methods Used

The timing of the various programs to maintain accurate lists varies from state to state, and among local jurisdictions within a state -- often depending on the method they use.

Jurisdictions in sixteen of the states that remove individuals for failure to vote review their lists annually. In another ten states the lists are reviewed after each general election. In six states it is done every two years, in two it is done every four years, in one it is done every ten years, and in another one it varies.

If a special mailing is done to ascertain whether or not registrants continue to live at the address from which they registered, it is usually done annually because local post offices do not maintain change-of-address information for more than 12 to 18 months. Computerized change-of-address information is, in contrast, maintained for 36 months by companies licensed by the U.S. Postal Service; therefore, jurisdictions employing this method need not do this annually and timetables vary. Other information received on a regular or sporadic basis concerning deaths, criminal convictions, declarations of mental incompetence, changes of address, or new registrations in another jurisdiction are generally handled as they are received.

Nevertheless, there are a few, mostly small, local jurisdictions that have not made corrections to their list of registered voters over a substantial period of time. This practice and the fact that some of the larger local jurisdictions have significantly mobile populations have resulted in some local jurisdictions having lists that equal more than 100% of the U.S. Census Bureau's estimated voting age population for that community.

## Impact of the National Voter Registration Act

Although the primary purpose of the National Voter Registration Act was to make it easier to get on the list of eligible voters, there was some concern expressed that the resulting lists would swell with ineligible persons unless the law also required programs to ensure their removal. Yet, there were also concerns about past discriminatory practices and the use of a person's failure to vote as a reason for removal, since this method seems to have a disproportionate impact on minority groups and the poor.

Consequently, the list maintenance provisions of the Act were passed with the following, sometimes conflicting, goals in mind:

- o to protect the integrity of the electoral process by ensuring that accurate and current voter registration rolls are maintained;
- o to combat those practices that result in the deletion of eligible voters from the voter registration rolls and those which have a discriminatory effect on minorities.

To accomplish these goals, the Act includes provisions that:

- o prohibit the removal of names for failure to vote and, indeed, prohibit the immediate removal of any names except upon written request of the registrant, upon written confirmation that the individual has moved from the local jurisdiction, or by reason of death, criminal conviction, or declaration of mental incapacity;
- o permit local election officials to remove the names of individuals to whom they have mailed a notice requesting confirmation of continued eligibility if the individual has not responded and has failed to vote within a period up through the second general election for federal office after the notice;
- o require state motor vehicle offices and other agencies designated to register voters to provide information on changes of address filed with their offices to state and/or local election officials;
- o require local registration officials to correct the addresses of those individuals who move within the jurisdiction when the officials learn of the change (e.g.; based upon information received from offices designated to register voters or the U.S. Postal Service) even if the individuals fail to notify the official directly of the change;

- o permit registrants who move within the local jurisdiction to correct their address on the voter registration list at the polls on election day in the manner provided by state law;
- o require each state to conduct a general program that makes a reasonable effort to remove the names of ineligible persons from the voter registration list;
- o require all list maintenance programs to adhere to the federal Voting Rights Act's requirements prohibiting practices that discriminate against individuals on account of race, color, or language minority status;
- o permit the use of the U.S. Postal Service's computerized list of changes of address in efforts to maintain accurate lists; and
- o require election officials to maintain, and make available for public inspection, certain records of their list maintenance programs.

Although the provisions are fairly complex, they permit states considerable latitude in designing procedures appropriate to their communities. This flexibility is necessary given the variations in the mobility of local populations, their population size, and the extent to which their lists are computerized. Most states are in the process of considering legislation that will implement these provisions by January 1995.

#### IDENTIFICATION NEEDED FOR VOTING

Currently, there is no national requirement that persons offering to vote present some form of personal identification to confirm that they are who they claim to be prior to voting. Moreover, state laws and procedures addressing voter identification requirements vary dramatically from state to state, depending on the state's history and culture.

Only nine of the fifty states claim to routinely require prospective voters to present personal identification documentation at the time they offer to vote. One other state requires personal identification documentation from individuals who appear to vote the first time after they have registered to vote by mail. Five other states provide that local jurisdictions may request personal identification documentation, but do not require it. There are several

forms of personal identification that are acceptable in these instances, usually specified in state law or written procedures. The voter's registration confirmation card or driver's license are the most frequently accepted forms of documenting identification.

There are other means states may use to confirm the voter is who he or she claims to be. States universally require prospective voters to declare publicly their full name and address. In some cases, the voter must also provide their birth date. Thirty-eight states and the District of Columbia require the voter to provide a signature, although the signature is verified consistently by poll workers prior to the individual being permitted to vote in only sixteen of these states and may be verified in four other states depending on the circumstances. When the signature is verified, the poll worker normally compares the new, election day signature with an earlier signature using either an original voter registration document or a copy of the earlier signature that has been digitized by computer and printed on the list of voters for that polling place.

In addition, if there is doubt about the identity of the voter or a question about the voter's eligibility to vote in that particular election or at that polling place, other voters and/or poll watchers representing political parties and candidates may challenge the voter. States require challenged voters to present some documentation of their identity and/or to vote a special "challenged" ballot that is kept separate from other ballots and not counted until the voter's eligibility is confirmed after the close of the polls.

Under the National Voter Registration Act of 1993, which will become effective in most states in January 1995, registered voters who have moved within the local jurisdiction (i.e.; county, parish, or independent city or township) and have failed to notify the local election official of their change of address will in most instances be permitted to vote on election day by affirming their new address orally or in writing.

## CONCLUSION

The processes of identifying and listing individuals who are eligible to vote, and maintaining accurate lists of eligible voters, are highly decentralized in the United States. They are the responsibility of the local election officials in 13,000 counties, parishes, independent cities, and townships who are guided in varying degrees by state law and practice, and by provisions of the U.S. Constitution and federal law.

The identification of eligible individuals depends upon those individuals coming forth to participate in an election or to register to vote because there are no state or national lists of all citizens. Local election officials currently use a variety of methods to identify potential voters and to enable them to appear on the list of voters eligible to vote in their communities, as well as to identify those on the list who should be removed because they are no longer eligible.

The advantage of this decentralized approach has been that local election officials have been able to adopt procedures most appropriate for their communities. The disadvantages include the fact that some local jurisdictions have made it difficult to register to vote, some have allowed a significant number of individuals no longer eligible to vote to remain on their lists, some have deleted voters from the list in a manner that discriminates against minorities and the poor, and the variation in practices among or within states has caused confusion among the highly mobile population.

These considerations led the U.S. Congress to pass the National Voter Registration Act of 1993, which will require almost all jurisdictions to make it easier to register to vote and to keep more accurate voter registration lists beginning, for the most part, in January 1995. This law is expected to have the most significant impact on voter registration in the United States since the federal Voting Rights Act of 1965, and will promote greater uniformity in voter registration procedures across the nation. Yet, because the law permits states some latitude in the manner in which they implement its requirements, practices will continue to vary somewhat among and within states. The National Voter Registration Act requires the Federal Election Commission to report to the U.S. Congress every two years on the impact of this law on the administration of elections and to recommend improvements.

There is no national requirement that individuals appearing to vote present some form of voter identification. States currently vary in whether or not a person is required to present personal identification documents before voting, with some states leaving the decision to local jurisdictions. All states, however, require that persons appearing to vote must state their full name and address publicly before being permitted to vote.

The advantage to having such variability is that states, and sometimes local jurisdictions, may implement only those provisions they deem necessary given their history and culture. The disadvantages to having such varied requirements are that some classes of individuals are less likely to have acceptable personal identification, that some local jurisdictions have used their identification requirements to discriminate against these segments of the local population, and that the diversity of local practices is confusing to an increasingly mobile population.