

States have the flexibility to administer their elections within the guidelines set by federal law. This means election policies—from voter registration deadlines and the types of ID voters may use, to how to vote absentee and have voting rights restored—vary from state to state.

In ThinkTennessee's [five-part voter education series](#), we highlighted how our state's election process works. Here, we highlight election policies used in other states that demonstrate alternative ways to help ensure all eligible voters can participate while still maintaining election security.



CASTING BALLOTS

VOTER ID



The Help America Vote Act (HAVA), 2002¹
Voters who register by mail without providing a driver's license number or the last 4 digits of their Social Security Number (SSN) must present a valid photo identification or other document that shows their name and address the first time they vote.²



Tennessee Law

All voters must provide a specific photo ID before receiving their ballot at a polling place.³

Most states do not require voters to present a photo ID before giving them a ballot. Voters in 23 states are asked for an ID, but if they are unable to provide one they are still able to cast their ballots with alternative options. For example, election officials can vouch for a voter's identity or match their signature to their registration record, or voters can sign an affidavit affirming their identity.⁴

Tennessee is one of 11 states to require a *strict* photo ID—meaning voters *must* provide a specific photo ID to cast a ballot at a polling place.

Voters in most states are not required to present a Voter ID.

14 STATES AND DC DO NOT REQUIRE OR REQUEST ID

ID REQUESTED

11 STATES PHOTO ID

12 STATES NON-PHOTO ID

ID REQUIRED

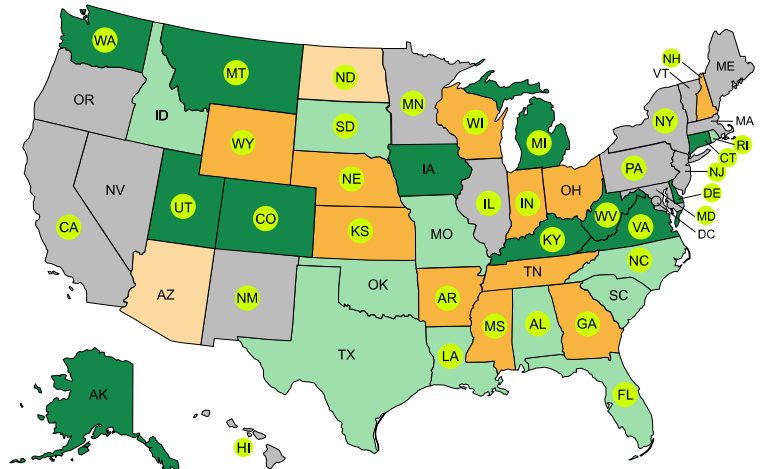
11 STATES STRICT PHOTO

2 STATES STRICT NON-PHOTO ID

36 States Accept Student IDs

In Tennessee, the accepted forms of Voter ID are a TN driver's license or photo ID, U.S. passport, a photo ID issued by the federal or TN government or the U.S. military, or a TN handgun carry permit with a photo.

Most states also accept student IDs as Voter ID. This includes states where ID is not required, as voters who registered by mail without providing identification must show ID the first time they vote, as required by federal law.





VOTER REGISTRATION

VOTER REGISTRATION DEADLINE



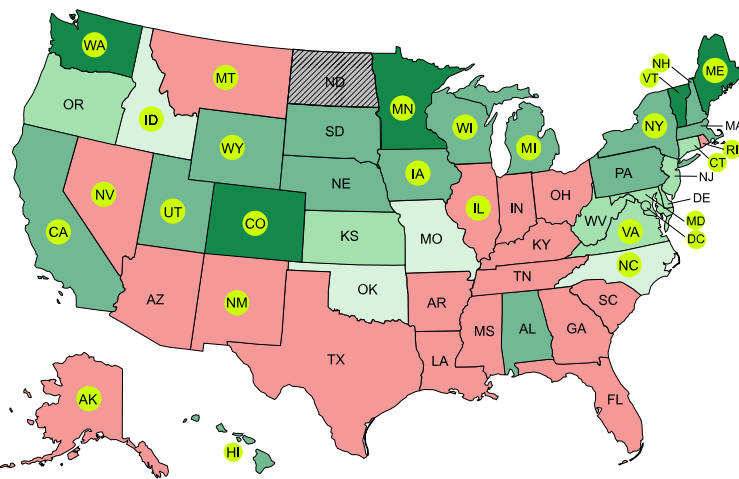
The National Voter Registration Act (NVRA), 1993
A voter registration deadline must be no more than 30 days before Election Day.⁵



Tennessee Law

The voter registration deadline is 30 days before Election Day.⁶

Tennessee is among 12 states requiring voters to be registered the soonest—with the longest amount of time between the voter registration deadline and Election Day. Six additional states have similar deadlines, but those who miss it can register with Same Day Registration (SDR). Most states (37 and DC) allow more time for voters to register, offering registration deadlines closer to Election Day, SDR, or both.*



Same Day Registration and deadlines closer to Election Day allow voters more time to register and participate in elections.

5 STATES	NO DEADLINE (in person) ¹	4 STATES	25 - 27 DAYS
14 STATES	1 - 15 DAYS	18 STATES	28 - 30 DAYS
8 STATES AND DC	18 - 24 DAYS		

¹There are deadlines for registering by mail or online.

25 states and DC have Same Day Registration

Eligible voters who show up at a polling place can register and cast their ballot with SDR.

AK and RI have SDR for presidential elections only, CT for general elections only, and NY and NC during Early Voting only.

*North Dakota does not have voter registration.

VOTER REGISTRATION APPLICATION



HAVA (2002) Voter registration applications must ask for a current and valid driver's license or, if applicants do not have a license, the last 4 digits of their Social Security Number (SSN).⁷



Tennessee Law

The voter registration application requires an applicant's full SSN.⁸

In all but two states (TN and VA), voter registration applications ask for either a driver's license number or the last 4 digits of a SSN to verify an applicant's identification.

FIVE STATES WERE ALLOWED TO CONTINUE REQUIRING A FULL SSN, ONLY TWO STILL DO TODAY.

States where applications already asked for a full SSN were exempt from the 1974 Privacy Act's prohibition on denying a right, benefit, or privilege for refusing to provide it. All but two have changed policies in recent years.⁹

Tennessee & Virginia

Require full SSN

Kentucky (1986)

No one will be denied the right to register for failing to provide the full SSN.¹⁰

New Mexico (2019) & South Carolina (2020)

Ask for the last 4 digits¹¹



ABSENTEE VOTING



The Voting Rights Act (1970 Amendment)
Establishes uniform standards for absentee voting but leaves determinations about qualifications and process up to each state.¹²

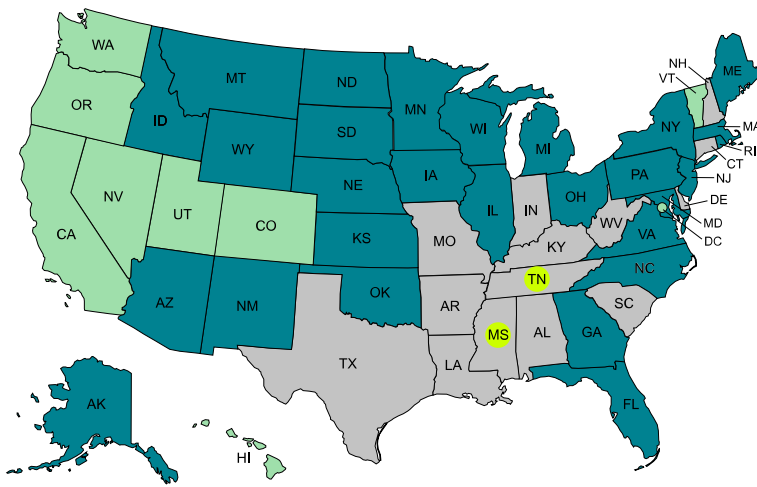


Tennessee Law

Absentee voting rules require voters to meet specific eligibility criteria and return ballots by mail and prohibits sharing applications to request an absentee ballot.¹³

ABSENTEE ELIGIBILITY AND BALLOT RETURN

In most states, any voter can vote absentee (36 and DC) and ballots can be returned by mail or in person (48 and DC). Tennessee is one of 14 requiring a qualifying excuse to vote absentee and one of only two requiring ballots be returned by mail.



In most states, any voter who wants to may vote absentee and return their ballot in person.

- 28 STATES** ANYONE CAN VOTE ABSENTEE
- 8 STATES AND DC** ALL VOTERS MAILED A BALLOT (VOTE BY MAIL)
- 14 STATES** EXCUSE REQUIRED

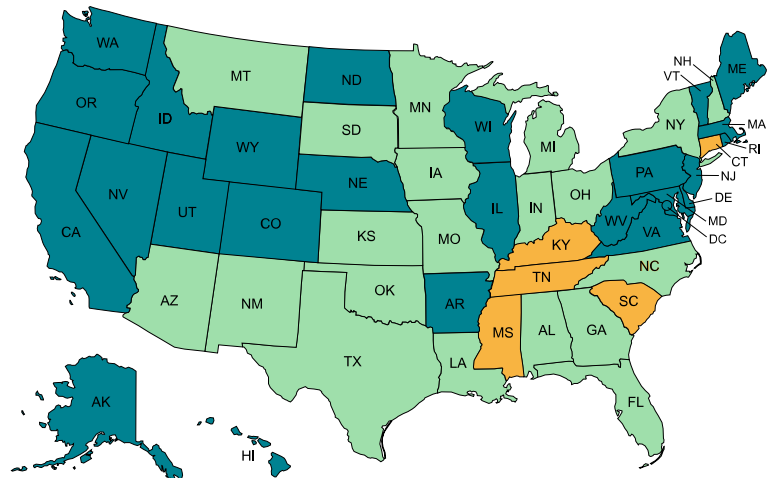
● Absentee ballots are required to be returned by mail. In all other states, ballots can also be returned in person.

ABSENTEE APPLICATION SHARING

Most states allow someone to give another person an application form to request an absentee ballot. In Tennessee it is either a Class E felony or a Class A misdemeanor, depending on the type of application.¹⁴

Most states do not restrict sharing absentee application forms, and in those that do, at least an immediate family member may do so everywhere except Tennessee.

- 25 STATES AND DC** NO RESTRICTIONS ON SHARING APPLICATIONS
- 20 STATES** NOT PROHIBITED, BUT ACCOMMODATIONS REQUIRED*
*For example, they cannot be pre-filled or must include where they are coming from.
- 5 STATES** RESTRICT SHARING ABSENTEE APPLICATIONS



In the four other states that restrict application sharing in some way, an immediate family member may give a voter, or request on their behalf, an application form. Kentucky, Mississippi, and South Carolina don't have applications; voters apply directly with election officials or also through an online portal in Kentucky.



VOTING RIGHTS RESTORATION



U.S. Constitution + NVRA (1993) Section 2 of the 14th Amendment has been interpreted as allowing states to deny those convicted of crimes the right to vote.¹⁵ The NVRA prohibits states from requiring information during the voter registration process other than what is necessary to assess an applicant's eligibility.¹⁶

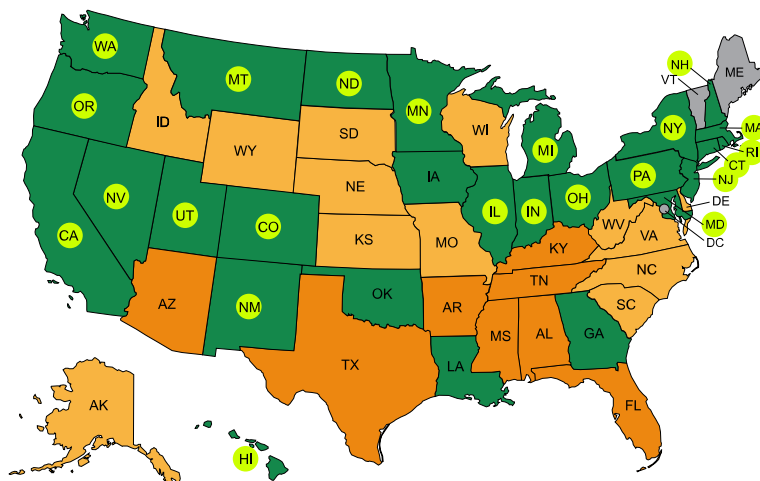


Tennessee Law

Voting rights are lost following a felony conviction, with restoration possible after some convictions.¹⁷

ELIGIBILITY FOR RESTORATION

States are split on when they return eligibility for restoration, with half (25) restoring after completion of probation or parole and 23 after release from incarceration. Tennessee is among eight states that also explicitly include payment of legal financial obligations (LFOs) in eligibility, while most states do not.*



Most states return eligibility to register to vote regardless of legal financial obligations.¹⁸

- 2 STATES AND DC** DO NOT REVOKE VOTING RIGHTS
- 27 STATES** DO NOT INCLUDE LFOs
- 13 STATES** MAY INCLUDE LFOs¹⁹ (as part of probation or parole)
- 8 STATES** EXPLICITLY REQUIRE LFOs

23 states return eligibility after release from incarceration

Residents can register to vote once they've been released. In the other 25 states and DC, eligibility is restored after completion of parole or probation.

*Iowa only requires LFOs except for homicide and related crimes.

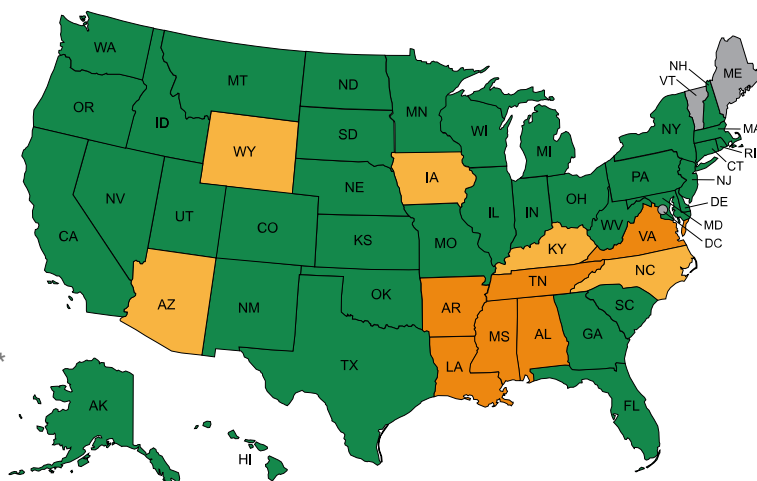
RESTORATION PROCESS

In most other states (37), you can submit a registration application without taking additional steps after voting rights are restored. In Tennessee, once eligible, you must prove your eligibility with a Certificate of Restoration.

Most states allow voters to submit a voter registration application once rights have been restored without taking additional steps.

- 2 STATES AND DC** DON'T REVOKE VOTING RIGHTS
- 37 STATES** RETURN ELIGIBILITY WITHOUT ADDITIONAL STEPS
- 6 STATES** REQUIRE YOU SHOW PROOF OR APPLY TO BECOME ELIGIBLE AGAIN
- 5 STATES** HAVE DIFFERENT PROCESSES, DEPENDING ON THE TYPE OF CONVICTION*

*Eligibility is returned immediately for certain convictions (non-violent, first-time offenders), while others (out-of-state or federal convictions, specific crimes, or convictions prior to a certain date) require an application.²⁰



References

1. Help America Vote Act of 2002 (HAVA), Pub. L. No. 107-252, 116 Stat. 1666 (2002).
2. 52 U.S.C. § 21083(b). Other documents include a copy of a current utility bill, bank statement, government check, or paycheck. HAVA's language is considered the "minimum" ID requirement, with states being allowed to extend the practice beyond first-time voters who didn't provide identifying information on their voter registration application. <https://electionlab.mit.edu/research/voter-identification>.
3. Tenn. Code Ann. § 2-7-112(c). If a voter does not provide an ID at a polling place, they may vote a provisional ballot that will be counted if they are able to provide their ID to election officials within two days Tenn. Code Ann. § 2-7-112 (e)(6).
4. In Alabama, election officials vouch for a voter's identity; Florida, Missouri, and Rhode Island match signatures; Idaho, Louisiana, South Dakota, and Oklahoma have voters sign affidavits.
5. National Voter Registration Act of 1993 (NVRA), 52 U.S.C. §§ 20501-20511.
6. Tenn. Code Ann. § 2-2-109(a).
7. 52 U.S.C. § 21083(a)(5)(A)(i).
8. Tenn. Code Ann. § 2-2-116.
9. 5 U.S.C. § 552a. Section 7 of the Privacy Act does not apply in disclosure of a SSN to any federal, state, or local agency maintaining a system of records in existence and operating before January 1, 1975 if it was required under statute or regulation to verify an individual's identity.
10. Ky. Rev. Stat. § 116.155.
11. Election officials in South Carolina agreed to accept the last 4 digits. <https://www.thestate.com/news/local/crime/article239387333.html>.
12. Section 202 of the Voting Rights Act, 52 U.S.C. § 10502(d). The law requires each state to provide by law for the casting of absentee ballots for the choice of electors for president and vice president. Added in June 1970 as Pub. L. 91-285, § 6. Federal constitutional protections apply to all levels of elections, while many federal statutes apply only to federal elections. However, to simplify processes, states mostly conform local elections to the federal processes.
13. Tenn. Code Ann. § 2-6-201, Tenn. Code Ann. §§ 2-6-202(c)(3) and (4), and Tenn. Code Ann. § 2-6-202(e).
14. Tenn. Code Ann. §§ 2-6-202(c)(3) and (4).
15. Section 2 of the 14th Amendment "exempts from the sanction of reduced congressional representation resulting from the denial of citizens' right to vote the denial of such rights for 'participation in rebellion, or other crime.' *Richardson v. Ramirez*, 418 U.S. 24, 56 (1974). Section 2 of the Voting Rights Act also prohibits voting practices that discriminate on basis of race, color, or membership in a language minority group. 52 U.S.C. § 10301.
16. 52 U.S.C. § 20508(b)(1).
17. Tenn. Code Ann. § 40-20-112 and Tenn. Code Ann. § 40-29-204.
18. LFOs include restitution, court fines, and in Tennessee you are required to be current on child support. Tenn. Code Ann. § 40-29-202.
19. In Virginia, rights are restored through gubernatorial pardon. LFOs may be included as part of the pardon process.
20. Arizona restores eligibility automatically for first-time offenders. Repeat offenders or those who can't pay restitution can petition a court for restoration. Kentucky restores eligibility automatically for non-violent offenders. It requires an application process for other specific crimes and out-of-state/federal convictions. Iowa restores eligibility automatically with a governor's pardon for most convictions but requires an application process (and LFOs) for homicide and related crimes. North Carolina restores eligibility automatically for in-state convictions and requires proof of eligibility for out-of-state or federal convictions. Wyoming restores eligibility automatically for non-violent first-time offenders that complete their sentence on or after January 1, 2010. Those completing sentence prior to that date and for out-of-state and federal convictions have an application process.

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