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Federal Voter ID Requirements: The Help America Vote Act (HAVA)

The past decade or so has seen a widespread increase in legislation addressing voting procedures, often taking the form of laws imposing voter identification requirements. Although many states now have their own laws addressing voting procedures and ID requirements, at the federal level the [Help America Vote Act](#), or HAVA, was passed in 2002 in response to some of the controversial issues that arose during the 2000 presidential elections.

Below you can find information on this comprehensive and extensive piece of legislation as it applies to voter identification requirements. It should be noted that in those states which have their own voter identification laws, those laws may apply instead of, or in addition to, the requirements established by HAVA.

HAVA: Who is Covered?

The Help America Vote Act covers a number of different aspects relating to elections, and specifically imposes voter identification requirements under certain circumstances. However, HAVA's requirements do not necessarily apply to all registered voters, particularly those who were registered prior to the law's enactment in 2002. HAVA's voter ID requirements apply only to voters who are newly registering or re-registering in a different county or location since that time.

Types of Acceptable Identification

Under HAVA, individuals who are registering to vote must provide their current valid driver's license number, if they have one. If they do not have one, then they must provide the last four digits of their Social Security Number (SSN). If they do not have either of these forms of identification, then they will have to provide proof of identity at the polling booth when they go to vote.

The following are some examples of documents allowed in some states to establish identity at a voting booth (states may require 1 or more of certain types of these documents):

- a driver's license or state ID card
- passport
- employee ID
- student ID
- military ID
- utility bills
- bank statements
- paychecks

For a complete list of the specific documents your state allows to be used to establish proof of identity, please check with your local election authorities or your state's government elections website.

No ID? Provisional Voting

Last, but not least, voters should be aware that even if they fail to provide proof of identity at the polling booth, they must still be allowed to vote under HAVA. However, their votes will be considered provisional, and will not be counted in the results unless the voter's identity is confirmed in a timely manner. Additionally, every voter is entitled to know if their vote was counted or not. The law facilitates this by requiring each state to develop a system whereby provisional voters may access, for free, information as to the status of their provisional vote.

If a person's vote is not counted, the law also requires that the voter be informed as to the reason why their ballot was not tallied.

HAVA Violations

Past violations of HAVA have typically involved whether states or specific polling locations have established the systems and provided adequate resources to voters, as required by the law. This may often involve whether adequate information was posted at polling booths and/or whether sufficient information was provided for those individuals who did not have adequate ID, and voted (or failed to vote) using provisional ballots.

Individuals or officials who would like to register a complaint about local election procedures, improper application of voter identification rules, or other voting issues related to HAVA should direct their concerns to the [Voting Section](#) of the Civil Rights Division of the Department of Justice.

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