

STATES GRANTING A POSITIVE RIGHT TO VOTE UNCONDITIONED BY REGISTRATION

STATE	RELEVANT CONSTITUTIONAL CLAUSE(S)
ALASKA	“Every citizen of the United States . . . who meets registration residency requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election.” <sup>136</sup>
ARIZONA <sup>137</sup>	“There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise.” <sup>138</sup>  “All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” <sup>139</sup>
GEORGIA	“Every person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised by this article, and who meets minimum residency requirements as provided by law shall be entitled to vote at any election by the people. The General Assembly shall provide by law for the registration of electors.” <sup>140</sup>
INDIANA	“A citizen of the United States, who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.” <sup>141</sup>  “The General Assembly shall provide for the registration of all persons entitled to vote.” <sup>142</sup>
KANSAS	“Every citizen of the United States who has attained the age of eighteen years and who resides in the voting area in which he or she seeks to vote shall be deemed a qualified elector.” <sup>143</sup>  “The legislature shall provide by law for proper proofs of the right of suffrage.” <sup>144</sup>
KENTUCKY	“All elections shall be free and equal.” <sup>145</sup>  “Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere . . . .” <sup>146</sup>
MASSACHUSETTS	“All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.” <sup>147</sup>
NEBRASKA	“All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.” <sup>148</sup>  “Every citizen of the United States who has attained the age of eighteen years on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms provided by law shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years.” <sup>149</sup>
NEW JERSEY	“Every citizen of the United States, of the age of 18 years, who shall have been a resident of this State and of the county in which he claims his vote 30 days, next before the election, shall be entitled to vote . . . .” <sup>150</sup>
TEXAS	“Every person subject to none of the disqualifications provided by Section 1 of this article or by a law enacted under that section who is a citizen of the United States and who is a resident of this state shall be deemed a qualified voter; provided, however, that before offering to vote at an election a voter shall have registered, but such requirement for registration shall not be considered a qualification of a voter within the meaning of the term ‘qualified voter’ as used in any other Article of this Constitution in respect to any matter except qualification and eligibility to vote at an election.” <sup>151</sup>
WEST VIRGINIA	“The citizens of the state shall be entitled to vote at all elections held within the counties in which they respectively reside.” <sup>152</sup>  “The Legislature shall enact proper laws for the registration of all qualified voters in this state.” <sup>153</sup>

<sup>136</sup> ALASKA CONST. art. V, § 1.

<sup>137</sup> Arizona is the one state that does not provide an explicit positive right to vote, therefore it does not fit neatly into this categorization. Since a positive right to vote could arguably be derived from the “free and equal” clause, it fits most appropriately into this category. *See* Douglas, *supra* note 7, at 102–03.

<sup>138</sup> ARIZ. CONST. art. VII, § 12.

<sup>139</sup> *Id.* art. II, § 21.

<sup>140</sup> GA. CONST. art. II, § 1, para. II.

<sup>141</sup> IND. CONST. art. II, § 2(a).

<sup>142</sup> *Id.* § 14(c).

<sup>143</sup> KAN. CONST. art. V, § 1.

<sup>144</sup> *Id.* § 4.

<sup>145</sup> KY. CONST. § 6.

<sup>146</sup> *Id.* § 145.

<sup>147</sup> MASS. CONST. pt. 1, art. IX.

<sup>148</sup> NEB. CONST. art. I, § 22.

<sup>149</sup> *Id.* art. VI, § 1.

<sup>150</sup> N.J. CONST. art. II, § 1, para. 3(a).

<sup>151</sup> TEX. CONST. art. VI, § 2(a).

<sup>152</sup> W. VA. CONST. art. IV, § 1.

<sup>153</sup> *Id.* § 12.