

# Can the President Really Mandate Voter ID?

Institute *for*  
Responsive  
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## THE ISSUE

President Trump has announced plans for an executive order to require states to enact strict voter ID laws. Can he do that? No. And is it a good idea? Also no. Here's why.

## THE FACTS

**The president doesn't control voting methods. States do.**

- This EO wouldn't change any rules. It just conveys the president's preferences.
- **Why don't states have to follow his lead? Because the president has a limited role in elections.** Broadly speaking, the Constitution's Elections Clause splits authority for election laws between Congress and the states. The president doesn't get a mention. [Like other executive orders he's issued](#), any attempt to strong-arm states on election policy has no constitutional basis and will almost certainly be litigated.

**Voters already verify who they are every time they cast a ballot. That's not controversial — the debate is over *what counts as proof*.**

- **Every voter confirms their identity at registration and every single time they vote.** They do so by signing a precinct register, producing ID-confirming documents, re-confirming personal data, or matching a signature.
- **The real fight is over strict photo ID laws.** These rules require current, government-issued photo ID and often offer no backup options. About 6% of citizens don't have that kind of ID — many are poor, elderly, disabled, rural, or live far from DMVs.<sup>1</sup>
- **Access vs. security.** Tighter rules can exclude eligible voters. Looser rules may raise concerns about integrity. Every ID law sits somewhere on that spectrum — and that's where the controversy lives.

**What does smart voter ID policy look like?**

- **Good voter ID policy has broad and flexible ID options.** States should accept a wide range of documents — photo and non-photo — including passports, student and tribal IDs, utility bills, and out-of-state or mobile driver's licenses.
- **Good policies include backstops for access.** Provide free voter IDs through the DMV and offer failsafe options like signing an affidavit, so no eligible voter is turned away.

## BOTTOM LINE

President Trump can't mandate nationwide voter ID. He can use an executive order to signal support for tighter state laws, but he can't force states to share his view.

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<sup>1</sup> University of Maryland, Center for Democracy and Civic Engagement, *Who Lacked Photo ID in 2020?*, March 2023.