

# VOTER IDENTIFICATION TALKING POINTS AND FACT SHEET

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Strong voter participation and engagement are fundamental to a healthy democracy. Efforts to restrict access to voting fly in the face of this important goal. Yet, despite another midterm election in November 2010 in which only 41 percent of eligible persons voted, numerous states are now facing renewed efforts to restrict, rather than expand, the franchise. Increasing numbers of states are considering strict voter identification laws that would disenfranchise thousands, and possibly millions of Americans. States considering voter ID proposals include North Carolina, Minnesota (bill to put constitutional amendment on 2012 ballot), Wisconsin, South Carolina, Kansas, Texas, and Mississippi (Republican leaders have collected enough signatures to put an ID measure on the ballot in 2011).

Before state legislatures start passing laws to disenfranchise voters their first order of business, legislators, advocates and voters should be aware of the serious flaws in these proposals and the substantial data that undermine the claims of their proponents.

## KEY POINTS

- **Voters expect the economic crisis to be the first order of business in 2011, not voter ID.** Instead of focusing on creating jobs and saving homes, the real problems citizens confront, legislators are prioritizing a measure that will not solve any problem.
- **Voter ID laws cost millions of dollars to implement.** Missouri estimates that a new voter ID would cost the state over \$20 million to implement over the next three years. Legislators should confront the serious problems the state and its people face, instead of allocating funds to address a problem that does not even exist.
- **Voter ID requirements will add substantial new burdens on election administrators and poll workers.** Introducing a voter ID requirement will require an extensive public education campaign, including mailings, advertising and public service announcements; require added poll worker training and potentially more poll workers; updating forms; updating websites; training on processing of provisional ballots; increased numbers of provisional ballots to print and process.
- **Numerous studies have found that the rare examples of voter fraud are almost never the kind that could be prevented by a photo identification law.**<sup>2</sup> Voter ID laws address one exceedingly rare form of voter fraud: impersonation of another registered voter at the polls.
- **Eleven percent of the population does not have the type of identification required by these laws.**<sup>3</sup>
- **Students are particularly harmed by photo ID requirements.** Any student not attending a public university will be unable to use their student ID to vote. And many students are unlikely to have a driver's license that reflects their campus address.<sup>4</sup>
- **The elderly and persons with disabilities will be disenfranchised.** Many older people no longer drive or maintain up-to-date driver's licenses.<sup>5</sup> Seniors will be unfairly blocked from voting because they lack this most common and acceptable form of voter ID.

- **African Americans, Latinos and new American citizens are far less likely to have identification.** Such groups have been the historic targets of disfranchisement efforts in this country. Strict voter identification laws target them once again.<sup>6</sup>
- **Just after a presidential election in which we saw historic turnout among young people, African Americans and Latinos, some legislators want to take those advances away.**
- **Voter ID laws exacerbate low voter turnout, a major problem confronting our democracy.** This is no time to enact measures that risk depressing the vote of seniors, students, people of color and other citizens.

**DATA AND EXAMPLES:**

**COST**

**The voter ID programs being considered in the states are likely to cost taxpayers millions of dollars each year to implement.**

- States will need to offer free ID to new voters without acceptable identification, year after year.
- Voter ID programs require added poll worker training for each new election. After all, these proposals essentially require that poll workers perform a quasi-law enforcement function -- checking the validity of individuals' identification documents.
- States will need to engage in ongoing, massive voter education campaigns to ensure voters know they must obtain and bring their required identification to the polls on election day. With the passage of Georgia's ID law, the Secretary of State of Georgia had to send letters out to citizens suspected of not having the identification instructing them how to obtain ID, advertise in print and on-air media, and mail out information packets and reminders.<sup>7</sup>

At the same time, thirty-five states and Puerto Rico will struggle with budget shortfalls in fiscal year 2012.

The sum of these projected imbalances for the 31 states (and Puerto Rico) that provided an estimate stands at \$82.1 billion.

Twenty-seven states and Puerto Rico project gaps in excess of 5 percent of their general fund budgets, with 21 of these anticipating gaps equal to or greater than 10 percent.

The largest shortfalls are expected in Nevada (32.0 percent), New Jersey (26.0 percent) and North Carolina (20.3 percent). Five states have projected gaps between 4.7 percent (Iowa) and 1.2 percent (Tennessee).

While budget gaps are expected in Illinois, South Carolina and South Dakota, official figures are unknown at this time.<sup>8</sup>

**DISENFRANCHISEMENT**

**Many African Americans, low income citizens and young people do not have photo identification.**

AGE	% WITHOUT DRIVER'S LICENSE
18	32.4
19	25.1
20	22.2
21	20.7
22	19.1
23	17.1
24	16.7
25-29	12.6

- Eighteen percent of Americans over the age of 65 do not have a photo ID.
- Fully a quarter of African-Americans and 15 percent of low-income voters don't have a photo ID.<sup>9</sup>
- One in five young voters don't have a driver's license, the most commonly accepted form of photo ID. Nationwide a substantial percentage of individuals 18 to 29 years old do not have a valid driver's license.<sup>10</sup>

Source: Brief Amicus Curiae Of Rock The Vote, National Black Law Students Association, National Black Graduate Student Association, The Feminist Majority Foundation And The Student Association For Voter Empowerment Supporting Petitioners in Crawford v. Marion County Board of Elections 553 U.S. 181 (2008)

## **Most every state accommodates voters without ID so they can cast a regular ballot.**

Only a very small handful of states require photo ID, but almost all of them have enacted policies that allow an eligible American voter to cast a regular ballot on election day, even if they fail to bring or do not have the ID required. Four states request all voters show photo ID, but those without the proper ID can simply sign affidavits – under penalty of perjury-- and cast regular (non-provisional) ballots.<sup>11</sup>

## **No ID is really “free.”**

- **Even if the state offers one, the voter must still present other documents in order to get the “free” ID.** The only truly acceptable documents are an original, stamped birth certificate or a passport. Many people will not have their original birth certificate at home. And only about a quarter of Americans have passports. Voters without their birth certificates handy will have to go out and buy one – in Indiana that costs between \$12 and \$20 and much more if the voter was not born in Indiana. In Texas, it costs \$22. (In many states, a would-be voter must pay up to \$45 for a birth certificate, \$97 for a passport, and over \$200 for naturalization papers.)

- **The process for getting a birth certificate itself requires voters to present identification.** Many identifying documents cannot be issued immediately, so potential voters must allow for processing and shipping, which may take several weeks or even months. And additional difficulties develop if the surname on one’s birth certificate is different from that on other documentation, as commonly occurs with marriage. Women are disproportionately affected.<sup>12</sup>

**Poll workers demand photo identification much more often from African Americans and Latinos than white voters.** In a survey conducted by a Harvard professor of tens of thousands of voters in the 2006 general election, 47% of whites were asked for photo identification whether it was required or not, compared to 54% of Hispanics and 55% of African Americans. In this same study, a survey of thousands of voters in the 2008 Super Tuesday primary was also conducted and found that 53% of whites were asked for photo ID, compared with 58% of Hispanics and a staggering 73% of African Americans. This was true even after controlling for factors such as income, education, age and region.<sup>13</sup>

**Public opinion polls showing support for voter ID laws are misleading.** Most of those polled have ID themselves and are unaware of the burdens on voting such laws place on others.

**Public perceptions of voter fraud do not affect voter turnout.** Research shows that beliefs about the existence of voter fraud have no impact on one’s likelihood of voting.<sup>14</sup>

**The fundamental right to vote cannot be compromised by misinformed public opinion.** Transient popular opinion created by misinformation disseminated through the right-wing echo chamber is no justification for needlessly violating the voting rights of American citizens.

## ABSENCE OF A REAL PROBLEM

An intensive five-year investigation by President Bush’s Department of Justice earlier this decade famously netted only 86 voter fraud convictions. Most of these were not for voter fraud that could have been prevented by a voter ID law.<sup>15</sup>

An extensive analysis by Professor Lori Minnite showed that at the federal level, only 24 people were convicted of or pleaded guilty to illegal voting between 2002 and 2005, an average of eight people a year. The available state-level evidence of voter fraud, which she culled from interviews, reviews of newspaper coverage and court proceedings, while not definitive, was also negligible. It included 19 people who were ineligible to vote, five because they were still under state supervision for felony convictions, and 14 who were not U.S. citizens; and five people who voted twice in the same election, once in Kansas and again in Missouri.<sup>16</sup> Photo ID laws would have done little to address these few instances.

Not one of the instances of voter impersonation cited by the proponents of Indiana’s voter ID law could have been prevented by pollsite photo ID. An analysis of the briefs submitted in support of voter ID in the Supreme Court case *Crawford v. Marion County*<sup>17</sup> revealed that “not one of the citations offered by Indiana or its allies refers to a proven example of a single vote cast at the polls in someone else’s name that could be stopped by a pollsite photo ID rule.” The briefs examined included those submitted by the State of Indiana, the U.S. Department of Justice, the Attorney Generals of nine states, a national political party, members of Congress, various election officials, and several nonprofit organizations.<sup>18</sup>

## ENDNOTES

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