

**Testimony on HB 159, Voters Provide Photo Identification
Before the House State Government and Elections Committee
Presented by Peg Rosenfield on behalf of the League of Women Voters of Ohio
March 22, 2011**

I am Peg Rosenfield, Elections Specialist for the League of Women Voters of Ohio. The League was founded in 1920 after a long fight to enfranchise women. Not surprisingly, voting rights have been a core principle of the League for the 91 years of our existence. Therefore, the League opposes House Bill 159 because it can disenfranchise legitimate voters and discourage them from exercising this vital right, and because it costs lots of money that Ohio does not have to solve a problem that does not exist.

Disenfranchisement

Article V, Section 1 of the Ohio Constitution states in part:

“Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward such time as may be provided by law, and has been registered to vote for thirty days, **has the qualifications of an elector, and is entitled to vote at all elections....**” [emphasis added]

The Constitution authorizes the legislature to enact laws concerning residency. However, once residency is established and the citizen has been registered for thirty days, that citizen is “entitled to vote at all elections.” That statement is very clear. It does not say that you are only entitled to vote when you show photo ID; it says you are entitled to vote, period. That spirit of entitlement to vote is being compromised. For years, voters identified themselves by use of their signature. Something very simple, something that can’t be left at home, something that didn’t turn voters away from the polls. Ohio’s voters’ right to vote is being diminished because of barriers being placed in front of citizens before they can exercise their right to vote. The burden of providing additional identification beyond the signature to prove who they are is being placed on the voter and this is going to discourage many eligible voters from exercising their rights. It is likely that many of the voters who appear at the polling place without the requisite ID and are required to provide additional identification within 10 days will end up not having their vote counted – not because they are not who they say they are, but because of the additional burden placed on them.

Voters should be encouraged to vote and participate in their democracy. Artificial barriers serving no purpose do not serve that end and should not be permitted.

Costs

The evidence from around the country shows that requiring photo identification for voting is very costly to states. The exact amount varies by the size of the state and the specific requirements of the law, but it can – and often does – run into millions of dollars. For example, a report issued by the Brennan Center described the following costs: "Missouri, for example, spent about \$10.5 million in its 2009 fiscal year; a photo ID requirement would have increased the state's election administration spending by more

than 50%, according to the state's own estimate. Indiana's Elections Division spent about \$3.4 million in its 2009-2010 fiscal year, which is roughly equal to the state's estimated costs for photo ID from 2008 to 2010."

Courts have grappled with the problem that the cost of a photo ID could be construed to be an illegal poll tax. HB 159 seeks to address this problem by providing free photo IDs to individuals who provide documentation of their income and expenses to establish that they are unable to pay for the ID. However, the burden of providing such documentation is likely to provide an inordinate burden and discourage persons from exercising their right to vote. At the same time, the cost of administering this program is likely to burden the offices of the registrar and deputy registrar which not only will be required to issue the new IDs, but will be required to make determinations as to who is eligible for a free ID. Whether existing registrars and deputy registrars will have the capacity to provide the state identification cards is unknown. Of particular concern is how they will serve the elderly and persons with disabilities. The cost of addressing these concerns is likely to be extremely high.

In addition, the state must undertake extensive outreach efforts and public education well in advance of elections. Yet another expense. And finally, based on the experience of other states, litigation challenging the law is likely and can be very costly for the state.

This leads to our recommendation of how to resolve these problems.

I ask you to step back a moment and consider the basic premise of House Bill 159. It is asking that all voters in Ohio prove who they are. These voters are all people who have registered to vote, fulfilling all the requirements in RC 3503.14 (A) [lines 232-248] to provide all of the following:

- (1) The voter's name;
- (2) The voter's address;
- (3) The current date;
- (4) The voter's date of birth;
- (5) The voter to provide one or more of the following:
 - (a) The voter's driver's license number, if any;
 - (b) The last four digits of the voter's social security number, if any;
 - (c) A copy of a photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and address.
- (6) The voter's signature.

Each of these registrations has been verified by a county board of elections. So voters are not just random strangers who show up. The board of elections has all of this identifying information about them and has entered their name, address, and signature in the poll book.

The only thing this photo ID requirement can hope to assure is that the person who presents the ID is the same person whose signature appears in the poll book. All that ID can hope to do is to keep Mary Jane or Joe from voting in my name or your name. But that just does not happen! [And if Mary Jane did show up with a forged ID with my name and her picture on it, she could not sign my name to look like my signature in the poll book, and poll workers would require her vote a provisional ballot. If in that circumstance, we are using the signature match as the deciding criterion.] **So why not use the signature as the identification criterion in the first place?**

The four forms of authorized photo ID do not testify to residency (the driver's license or state ID do not need to have the current address, and neither the military ID nor the passport has an address). So they will do nothing to address the concern about voters who vote in a precinct that is not their own. If the voter's name is not in the precinct poll book, that voter must vote a provisional ballot, which the board must verify before counting it.

We propose that proof of identity be streamlined by requiring only that the voter's signature be compared to the signature in the poll book, the rule that worked for decades.

* It may be appropriate for voter registration to require the last four digits of the Social Security number or the Ohio driver's license number as an additional identifier besides name, address, and birthdate, to differentiate people with the same name. Current law provides for that.

* If there is a legitimate concern that people will attempt to vote under someone else's name or will show up to vote in a precinct where they do not live, we have the following challenge procedures in the Revised Code:

3505.181(A)(9) [lines 931-941]: "All of the following individuals shall be permitted to cast a provisional ballot at an election: ...

"(9) An **individual whose signature**, in the opinion of the precinct officers under section 3505.22 of the Revised Code, **is not that of the person who signed that name in the registration forms**;

"(10) An **individual who is challenged** under section 3513.20 of the Revised Code who refuses to make the statement required under that section, **who a majority of the precinct officials find lacks any of the qualifications to make the individual a qualified elector**," [emphasis added]

So we already have provisions in current state law to address any genuine concerns about voter impersonation.

People have been bombarded for years by a drum beat about voter fraud, so of course some people believe it exists. They hear allegations of fraud, but they seldom hear the outcome of investigations, like the 600 Golden Week voters in Hamilton County that were investigated with no fraud found. If you say it loud enough and often enough,

people will believe it – even if it is not true. We urge the legislature not to succumb to this myth and spend precious taxpayers' dollars creating an impediment to legitimate voters exercising their right to vote.

Finally, we urge you all to take advantage of the opportunity to volunteer to work at a polling place in your county at this November election. It will give you an excellent way to experience first-hand how state laws affect the real experience of poll workers and voters. Thank you.

I will be glad to answer any questions.

The League of Women Voters of Ohio, a nonpartisan political organization, encourages Informed and active participation in government, works to Increase understanding of major public policy Issues, and Influences public policy through education and advocacy.