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MEMORANDUM

TO: Senate State Government Committee

FROM: Andy Hoover, Legislative Director, ACLU of PA

DATE: December 10, 2011

RE: OPPOSITION TO HOUSE BILL 934

On Monday, the Senate State Government Committee is scheduled to consider House Bill 934. This bill mandates all voters at all elections to show unexpired, government-issued photo identification. Intended or not, HB 934 would inevitably lead to the disenfranchisement of thousands- maybe hundreds of thousands- of Pennsylvania citizens who have the right to vote but live without government-issued photo ID. It is also an expensive mandate for a voter impersonation fraud “problem” that does not exist. The American Civil Liberties Union of Pennsylvania opposes HB 934, and on behalf of the 19,000 members of the ACLU of Pennsylvania, I urge you to please vote “no” on this bill.

According to academic research, 11 percent of U.S. citizens do not have current, government-issued photo ID.¹ When that data is examined further, it becomes clear that citizens in particular communities are more likely to not have government-issued ID. Citizens without ID are disproportionately those over the age of 65 (18 percent), African-Americans (25 percent), and citizens who earn less than \$35,000 annually (15 percent), according to the NYU research. It is also reasonable to assume that citizens with disabilities, students, and citizens who were recently released from prison would be adversely impacted by HB 934.

HB 934 also implements an entrance fee for voting. No United States citizen should have to pay fees to vote. While the bill allows the Department of Transportation to distribute non-driving identification cards at no costs, the documents required to get the card, such as a birth certificate,² cost money.

The free ID card provision in HB 934 also presumes a level of mobility that some citizens do not have. In a well-documented situation in Indiana in 2008, a group of elderly nuns were unable to vote. All of the nuns were over the age of 80, did not drive,

¹ Brennan Center for Justice at NYU School of Law. *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*. Available at http://www.brennancenter.org/page/-/d/download_file_39242.pdf.

² Pennsylvania Department of Health. *Birth Certificates*. Available at http://www.portal.health.state.pa.us/portal/server.pt/community/birth_certificates/14121.

and had a history of voting in past elections. Their limited mobility made it difficult for them to obtain the necessary identification to vote.

In a more recent situation, a 96-year-old woman from Tennessee attempted to acquire a new ID in order to follow the mandate of that state's voter ID law but was unable to do so.³ If HB 934 is enacted, we will hear stories like this of Pennsylvanians who are unable to vote, thanks to the voter ID law.

Other states that have implemented voter ID laws like HB 934 have found that implementation has cost millions in taxpayer dollars. Missouri estimated that a proposed voter ID law would cost \$6 million in the first year and \$4 million annually thereafter, and states have found that implementing these laws increase their spending on elections by as much as 50 percent.⁴ The state accrues costs in distributing the free identification cards, in training for poll workers, and in public education to inform the public of the change in the law. One analysis of HB 934 suggested that the legislation will cost \$11 million in the first year alone.⁵ Enacting HB 934 will be expensive.

The supporters of HB 934 fail to cite any credible evidence of voter impersonation fraud. From 2004 to 2010, 19 million ballots were cast in Pennsylvania. In that same time period, there were only four convictions for voter impersonation fraud, according to data collected by the House Democrats and confirmed by the Commission on Sentencing. Nationally, a 2007 report from the Department of Justice found very little evidence of voter fraud.⁶

These are the facts about voter ID and voter fraud. When you vote on HB 934, you can choose to vote with the facts and vote "no," or you can chase the ghosts of voter fraud and vote "yes." The ACLU of Pennsylvania urges you to please vote "no."

³ Haman, A. (2011) *96-year-old Chattanooga resident denied voting ID*. Chattanooga Times Free Press. October 5, 2011. Available at <http://timesfreepress.com/news/2011/oct/05/marriage-certificate-required-bureaucrat-tells/>.

⁴ Agraharkar, V., Weiser, W., and Skaggs, A. (2011) *The Costs of Voter ID Laws: What the Courts Say*. Brennan Center for Justice at NYU School of Law. Available at http://brennan.3cdn.net/2f0860fb73fd559359_zzm6bhnd.pdf.

⁵ Pennsylvania Budget and Policy Center. *Voter mandates costly to taxpayers*. Available at <http://pennbpc.org/voter-mandates-costly-taxpayer>.

⁶ Lipton, E. and Urbina, I. (2007) *In 5-year effort, scant evidence of voter fraud*. The New York Times, April 12, 2007. Available at <http://www.nytimes.com/2007/04/12/washington/12fraud.html?pagewanted=all>.