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## MEMORANDUM

**TO:** House State Government Committee

**FROM:** Andy Hoover, Legislative Director, ACLU of Pennsylvania

**DATE:** April 5, 2011

**RE: OPPOSITION TO HOUSE BILLS 934 AND 647**

On Wednesday, the House State Government Committee is scheduled to consider House Bill 934 and House Bill 647. These bills would radically alter the election process. HB 934 requires voters to show government-issued photo identification at the polls, and HB 647 requires voters to submit photos with their registration, one of which will then be used as an ID card at the polls. HBs 934 and 647 are expensive solutions in search of a problem. They would also disfranchise U.S. citizens at the polls and would implement a new government program that would now require citizens to carry “papers”- in this case, an ID card- to participate in their democracy. The ACLU of Pennsylvania opposes both HB 934 and HB 647. On behalf of the 17,000 members of the ACLU of Pennsylvania, I urge you to please vote “no” on both bills.

When other states have implemented voter ID laws like HB 934, they have seen their costs for elections rise dramatically. Some states have spent as much as 50 percent more for elections after passing this type of law. Missouri estimated that a voter ID law would cost \$6 million in its first year and \$4 million annually thereafter while North Carolina estimated that a proposed voter ID law would cost \$18 to \$25 million over three years.

Costs will add up in distributing free ID cards to citizens without identification and in poll worker training. HB 934 also includes a provision requiring the Department of State to inform the public of the change in law. While the bill does not specify what type of public education the department must produce, it is reasonable to expect that it will include media advertising. Media buys are very expensive, especially in the five county region of southeastern PA. The costs of HB 934 will add up quickly.

HB 647 has inevitable costs by altering the voter registration process in a dramatic way. The counties will be expected to keep files of photos of registered voters and create new voter registration cards with photos. Those cards must be tamper-proof, and that will require a level of sophistication that can be expensive.

HB 934 will also disfranchise U.S. citizens who are eligible to vote. Survey data from the Brennan Center at New York University School of Law indicates that as much as 11 percent of U.S. citizens do not have government-issued photo identification. That

research shows that those without photo ID are disproportionately persons over the age of 65 (18 percent), African-Americans (25 percent), and people who earn less than \$35,000 annually (15 percent). It is reasonable to expect that HB 934 will affect other eligible voters, as well, including persons with disabilities, citizens who are homeless, and those who have recently left prison.

At the committee's hearing on these bills on March 21, witnesses in support of the bills failed to show credible evidence that voter impersonation is a real problem. Witnesses made multiple references to registration fraud, but no one can argue reasonably that registration fraud and voter impersonation are equivalent.

HB 934 and HB 647 will force the commonwealth to spend millions of taxpayer dollars for a problem that doesn't exist.

Finally, supporters of HB 934 may mistakenly believe that the United States Supreme Court has upheld the constitutionality of voter ID laws because the court did not overturn Indiana's version of this law. In fact, HB 934 could still be the subject of a constitutional challenge. In the Indiana case, the court upheld the law against a "facial" challenge but noted that the law could still be overturned if plaintiffs could show a burden on a particular group of citizens, including elderly persons born in another state, people of faith who object to having their picture taken, homeless persons, and anyone who for economic or other reasons is unable to obtain the birth certificate required to apply for an identification card.

HB 934 is vulnerable to a civil rights challenge.

House Bill 934 and House Bill 647 create new barriers to the polls at a time when it is widely recognized that not enough Americans participate in the electoral process. In Pennsylvania in 2010, just 42 percent of registered voters turned out to vote. This is no time to bar eligible citizens from the franchise. With the legislature debating nearly every dime that is spent by the state government, it's also no time to pass costly legislation that will lead to millions of additional dollars spent on elections.

Please vote "no" on HB 934 and HB 647.