

## GCVC POSITION PAPER ON SENATE BILL PHOTO ID AND VOTER FRAUD ISSUES AND SENATE BILL 36

### **Issue #1: Requiring voters to present a Photo ID in order to vote or register to vote.**

#### **Problem:**

Senate Bill 36 requires that first-time voters present a state-issued photo ID in order to vote or register to vote. In this legislation, only driver's licenses and Ohio IDs are valid; these forms of photo ID can only be obtained at a Bureau of Motor Vehicles (BMV) office. This restrictive legislation narrows the definition of identification already spelled out in federal and state laws. The federal Help America Vote Act and Ohio House Bill 3 require identification when voting. However, these laws do not limit identification to a state-issued photo ID. Instead, these laws accept utility bills, bank statements, government checks, or other government documents as valid forms of identification.

As a result of this limitation, many people may not be able to vote. More than 356,000<sup>1</sup> Ohioans over the age of eighteen have neither a driver's license nor a state ID. This legislation will specifically affect the elderly, the disabled, and those people who cannot afford a car. These are the very people for whom going to a BMV office to obtain a state-issued photo ID would be the greatest burden.

If we use data from the Georgia AARP<sup>2</sup>, we estimate that over 160,000 Ohio seniors, who are at least 75 years old, would be affected by this legislation. Some elderly people did not learn to drive and, therefore, did not obtain a driver's license. Others may no longer drive because of financial and safety reasons. As a result of these circumstances, they may not have renewed their licenses or misplaced expired licenses.

Similarly, disabled people and people who cannot afford a car are likely to lack a driver's license and a state-issued photo ID. They may not be able to leave work to obtain an ID, or they may not have easy access to transportation.

Because this legislation limits access to voting, it is a big step backward for the state of Ohio. Currently, Ohioans are able to vote from their homes or nursing homes. The current rules for absentee ballots do not require that Ohioans travel to a BMV office in order to exercise their democratic rights to vote.

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<sup>1</sup>According to Mr. R. Rauch, Chief, Ohio BMV Research Section, in 2003, 8,174,513 18 years of age and over had either a driver's license or State ID. The US Census (2003) states there are 8,531,105 Ohioans are over the age of 18. When we take the difference between these two numbers, one finds that 356,592, Ohioans who have neither a state ID nor a driver's license. 356,592 are 4% of all Ohioans over the age of 18.

<sup>2</sup>The Atlanta Journal Constitution, 4/8/05: "Voter ID supporters lack hard evidence" by Prof. Spencer Overton of George Washington University Law School. According to the 2000 Census, <http://www.elderweb.com/?PageID=2601>, 717,505 Ohioans are 75 or older. 36% of this number is 258,302. If one assumes the registration rate (74%) and turnout (81%) found in Georgia for citizens 60 and older (data from consultant to Georgia AARP), the number of Ohio voters 75 and older without a license photo ID will be 154,000. However, this number is reduced somewhat by senior citizens who have state photo IDs.

Furthermore, legislation requiring a photo ID is clearly unconstitutional<sup>3</sup>. If the state charges \$8.50 for an Ohio ID, the only alternative to a driver's license, the state is charging Ohioans \$8.50 to vote. In fact, the U.S. Department of Justice would probably reject the House Bill 36 photo ID requirement. The U.S. Department of Justice must review and approve any state's decision to change its voting qualifications<sup>4</sup>.

**Current Senate Bill 36:**

Requires Ohioans to present a state-issued Ohio photo ID in order to register or vote.

**Proposal:**

Do not require voters to present a state-issued photo ID at registration or at the polls. Instead, focus on more relevant election reform issues.

**Issue #2: Voter Fraud**

**Problem:**

Legislators are using voter fraud as a justification for creating new restrictive voting laws. However, there is not any significant voter fraud to battle.

Hundreds of thousands of new voter registrations or address updates were submitted in 2004. In response to these increased registrations, new stories during the 2004 campaign trumpeted phony registrations. For example, some registrations included obviously false names like Mary Poppins and Dick Tracy. Certainly, turning in false registrations is wrong and should be punished. However, Mary Poppins and Dick Tracy did not show up at the polls on Election Day because, of course, they would not have succeeded in their attempts to vote. In fact, these registrations were never serious attempts to commit voter fraud. Telephone inquires to several counties mentioned that these stories yielded only a handful of investigations, which resulted in convictions or pending cases.

Nationally, the Department of Justice stated that they used "all available means" and mounted a "formidable effort" to detect voter fraud in the November 2002 General Election<sup>5</sup>. They found "few problems." The largest study to date of election fraud concluded that fraud was "minimal."<sup>6</sup> Minimal problems do not require drastic solutions that disenfranchise citizens.

The available data in Ohio is in good agreement with this national data. In early April, volunteers from the Greater Cleveland Voter Coalition called Sheriffs and County Prosecutor Offices in 13 counties that had been named in allegations of "rampant" voter registration fraud in a report by Mark Hearne submitted to Congressional hearings on March 21. We also received information from ACORN/Project Vote and Americans Coming Together, which were named in some of these allegations. Although the responses from some of the Counties were not well defined, we could piece together the

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3Letter from Georgia Secretary of State Cathy Cox to Governor of Georgia, \_\_\_\_\_.

4Ibid.

5[http://www.house.gov/judiciary\\_democrats/agmidtermvoterresponse2403.pdf](http://www.house.gov/judiciary_democrats/agmidtermvoterresponse2403.pdf)

6Securing the Vote: An Analysis of Election Fraud [http://www.demos-usa.org/pubs/EDR\\_Securing\\_the\\_Vote.pdf](http://www.demos-usa.org/pubs/EDR_Securing_the_Vote.pdf)

existence of a total of 5 prosecutions (including a conviction in Defiance County) and a few more cases under investigation. Unfortunately, there is no state office that keeps track of these investigations and prosecutions.

Our current estimate is that the number of proven voter registration fraud cases for the 2004 election will be between 5 and 10. This must be seen in context: Over 750,000 new registrations were submitted statewide in 2004. If there were 100 such registrations submitted per case (as in Defiance County), then at most 1,000 questionable registrations were submitted, which represents about a tenth of 1% of all registrations. The Cohio/OHio LWV report, based on telephone calls to all 88 county Boards of Elections, found only 4 cases of actual voters attempting to vote fraudulently in the course of two general elections (2002, 2004) in which 9 million votes were cast. In sum, our present system works well to correct a minimal number of registration violations, and does not require additional harsh measures which will disenfranchise many thousands of Ohioans.

**Current Senate Bill 36:**

Creates more restrictive voting laws in order to prevent voter fraud.

**Proposal:**

Legislation should not focus on voter fraud. Instead, it should focus on more relevant election reform issues.