

VOTER IDENTIFICATION IN KANSAS: A MISPLACED PRIORITY

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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. Alarming, despite another midterm election in which nationally only **41 percent** of eligible persons voted, many states are now renewing efforts to restrict, rather than expand, the franchise.

The timing could not be more inappropriate. Incoming legislators and governors are pushing the passage of strict voter identification laws while their states face critical budget crises. Instead of focusing on job creation and providing relief for millions of unemployed and underemployed residents, legislators have placed a law that would disenfranchise tens of thousands at the top of their agendas.

KANSAS IS ONE OF THOSE STATES

Kansas is considering a bill to require all voters to present government issued photo identification at the polls.¹ Free IDs are provided *only* after the applicant signs an affirmation that he or she receives government assistance or earns at or less than 150% of the poverty rate. Everyone else must pay \$14. Under previous federal court opinion, this provision makes the Kansas ID bill an unconstitutional poll tax.² The bill goes even further than other states by also requiring that in order to *register* to vote, all Kansans must present proof of American citizenship. This means presenting a driver's license, birth certificate, passport, naturalization documents or a tribal card.

KANSAS HAS MORE IMPORTANT PROBLEMS

Kansas faces a budget gap of \$492 million for Fiscal Year 2012.³ To address the shortfall, Governor Brownback proposed a government spending freeze and the elimination of eight (unspecified) government agencies on his first day in office.⁴ Governor Brownback has proposed limiting spending to “those areas we’re really trying to protect – the core functions of state government,” promising to focus on education and public safety spending as immediate budget priorities.⁵

Yet the Voter ID proposal would divert funds from those core functions of government and likely require millions in new government spending over the next several years.⁶

THE REAL ISSUES

- » Education: In November, after more than \$303 million in education budget cuts, a group of more than five dozen Kansas school districts filed a class action lawsuit seeking restoration of what they contend is an unconstitutional cut in state aid to public schools.⁷ The Kansas House recently approved further education spending cuts for the current year, equating to \$75 per student. Supporters of the cuts argue that declining revenues leave the state with no other choice but to rein in spending.⁸ And because Governor Brownback's proposed budget does not replace expiring federal stimulus funds, school districts stand to lose an additional \$200 million over the next two years.⁹
- » Judicial system: Kansas courts have already had to resort to hiring freezes and cutting costs due to budget constraints in recent years.¹⁰ With even greater budget deficits ahead, the Kansas Supreme Court set up a commission to examine its caseloads and consider further ways to lower costs. Subsequent changes may include cutting the numbers of court offices and hours of availability, and other provisions that would negatively affect Kansans' access to justice.¹¹ Other cuts proposed by Kansas legislators to make up for the nearly \$500 million budget shortfall include reducing all state government employee wages by 7.5%.¹²

THE WRONG FOCUS

Currently, Kansas law allows voters to prove their identity with documents that do not contain photographs, such as copies of current utility bills, bank statements, paychecks, or other government documents showing name and address. While Kansas' other election laws are by no means ideal, the state has done relatively well, with average turnout rates¹³ (though still incredibly low by an objective standard or comparison internationally). So why is the Kansas legislature doing this now?

Kansas Republicans have previously pushed unsuccessfully for a photo identification requirement at the polls, citing the need to guard against voter fraud. Nevertheless, despite numerous investigations, *there is no evidence of substantial voter fraud* of the kind a Voter ID law would protect against.¹⁴ In fact, the last two secretaries of state – Democrat Chris Briggs and Republican Ron Thornburgh – said that voting fraud was not a significant issue in Kansas.¹⁵ Secretary of State records released in 2009 showed only seven cases of alleged fraud referred to authorities — only one of which was prosecuted — in the previous five years.¹⁶

Current Secretary of State Kris Kobach wrote this bill and has been its main champion. Secretary Kobach has a history of using scare tactics and promoting exclusionary policies that would harm all Americans.¹⁷ Before running for Secretary of State, Kobach drafted the highly controversial anti-immigrant statute Arizona SB1070. He is currently proposing and advocating an even more extreme anti-immigrant bill in Kansas. Kobach campaigned for Secretary of State on the claims “that illegal registration of alien voters has become pervasive” in Kansas.¹⁸ Yet Kobach's claims of rampant voter fraud have no basis in fact and have in some cases actually been proven false.¹⁹

The truth is this allegation of fraud is a canard legislators use to divert focus from the real problems and their real motives in passing strict ID laws – gaming the system in their favor.

THE COST OF VOTER ID

Disenfranchisement

A photo ID law could disenfranchise hundreds of thousands of Kansans. Two national surveys have found that large numbers of American citizens – disproportionately among certain demographic groups – do not possess a valid, government-issued photo ID.²⁰ Nationwide, 11% of voters lack government-issued photo IDs – meaning that as many as 200,000 eligible voters in Kansas would not have the requisite ID to vote.²¹

The requirement that Kansans provide “proof of United States citizenship” in order to register is also extremely burdensome as many Americans do not have their birth certificate, passport, or naturalization papers readily at hand - 7 percent of Americans, according to studies.²² Only 30 percent of Americans possess passports.²³ Moreover, these types of documents are costly to obtain. Obtaining a passport costs \$100,²⁴ naturalization papers cost \$380,²⁵ and birth certificates cost \$15 in Kansas.²⁶ If a voter was born in another state, it may cost significantly more.

Increasing the Deficit

Finally, the bill would *increase* state and local deficits. The Kansas Division of the Budget grossly underestimated the cost of implementing the Voter ID bill in its fiscal note, maintaining that it would add up to merely \$69,500 over two years, most of which would be absorbed by state and local agencies.²⁷ But in Missouri, the state’s Committee on Legislative Research Oversight Division estimated that implementation of a voter ID bill – which is far smaller in scope than that of Kansas – would cost the Secretary of State, the Department of Revenue, and local governments up to \$21.2 million over the next three years.²⁸ Neither Secretary Kobach nor Kansas legislators have explained how it can be fairly implemented with so little funding.

The Kansas fiscal note ignores the majority of costs associated with implementing voter ID and provides unrealistic estimates for the costs that it does outline:

First, the fiscal note maintains that the cost of providing free IDs will be “negligible,” and will be absorbed into existing agency costs. The Kansas Voter ID bill would require the provision of free IDs and free birth certificates if they are sought for purposes of voting by individuals earning at or below 150 percent of the poverty line. According to the Kansas Department of Revenue, at least 620,000 residents could be eligible for receiving free identification – both photo IDs and birth certificates.²⁹ This cost alone would appear to be far greater than estimated by the fiscal note.

Second, the fiscal note drastically underestimates implementation costs, such as modifying the statewide voter registration database, purchasing necessary equipment, and providing training on changes (including new absentee ballot and provisional ballot scenarios). Wisconsin estimates this will cost \$138,000, yet Kansas has budgeted approximately \$31,000 for these costs.

Further, the fiscal does not even address a number of necessary costs that the Voter ID bill would impose, including:

- » *A statewide voter education program to alert voters of the new rules.* State officials

agree that voter ID laws require aggressive publicity efforts to inform voters and ensure they aren't turned away at the polls. In 2010, Missouri estimated it would cost \$16.9 million over three years for TV announcements and other outreach to the state's 4 million voters³⁰; the Institute for Southern Studies estimated it could cost North Carolina \$14 million or more over three years to inform its 6 million voters.³¹ Even if the cost of educating Kansan voters does not rise to these levels, there is no question voter education alone will cost millions of dollars.

- » *Identifying and targeting populations of eligible voters without IDs to assist them in obtaining the necessary IDs.* In order to ensure this was satisfied for Georgian voters, the Secretary of State's office sent mailings over multiple election cycles to the hundreds of thousands of voters believed to lack driver's licenses.³² The Secretary of State also aired public service announcements extensively on radio and television informing voters of the photo ID requirement. Information was distributed to public libraries and other public facilities across the state, as well as through a partnership with utility companies to include educational inserts about photo ID in utility bills.
- » *Other implementation costs.* The fiscal note fails to include necessary costs such as the creation of new training materials, instructions, and signs for polling places. It also fails to address the cost of printing extra provisional ballots (in anticipation of the higher demand due to the photo ID requirement). Finally, while the fiscal note states that additional workers may need to be hired, it fails to estimate the cost or number of new staff.

At a time when Kansas is confronting an economic crisis, instead of focusing on creating jobs and saving homes, legislators are already manipulating election practices in ways they hope will assist their next campaign. Instead of being concerned about saving Kansans' jobs, their first priority is protecting their own.

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