

## VOTER ID IN MISSOURI: 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.

### MISSOURI IS ONE OF THOSE STATES

Missouri is considering a bill requiring all voters to present government issued photo identification at the polls. The fact that Missouri is introducing a restrictive voter identification bill is particularly unfortunate considering the legislature passed such a bill in 2006 and it was *struck down as unconstitutional* under the state's constitution by the Missouri Supreme Court. The Court said it violated the fundamental right to vote as provided by the state constitution. Somehow, this has not deterred some legislators from trying to needlessly disenfranchise voters once again. At the same time, they are trying to pass a bill that would amend the state's constitution to require voters show voter ID. This proposal would bypass the wisdom of the state's constitutional drafters by enshrining an anti-democratic, discriminatory measure into the state's very foundational document.

Under the bill, voters who do not have a form of government issued photo ID may complete an affidavit averring that they do not have the required ID and vote provisionally, but only if they have a physical or mental disability or handicap, swear they are unable to pay for documentation that would be required to get identification, have a religious belief against it, or were born before 1941. The bill requires the state to provide at least one form of personal ID at no cost to voters who do not have other forms of ID.

#### **The acceptable forms of ID are extremely limited:<sup>1</sup>**

- a nonexpired *Missouri* driver's license;
- a nonexpired or nonexpiring *Missouri* nondriver's license;

- any identification containing a photograph issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veterans Affairs; or
- a document issued by the United States or the state of Missouri containing the name of the voter which substantially conforms to the most recent signature in the individual's voter registration records, a photograph, and an expiration date or if expired, the expiration is after the date of the most recent general election.

Any other forms of ID, such as college IDs and out-of-state IDs, would not be accepted and therefore, many students and mobile residents would have to resort to casting a provisional ballot and somehow verify their identity at a later time for their vote to count. Missouri citizens who do not have any of the IDs listed above must go through an arduous process of acquiring one at the Department of Revenue (DOR) in order to vote. (See below.)

### **MISSOURI HAS MORE IMPORTANT PROBLEMS**

In his State of the State speech, Governor Jay Nixon proposed \$300 million new spending cuts as part of his efforts to reduce the estimated \$700 million budget gap.

**These cuts include:**<sup>2</sup>

- \$67.4 million to Medicaid;
- 863 state employee positions (after having slashed state employment by nearly 2,500 in the past couple of years); and
- \$63.8 million in spending towards higher education, or 7 percent of the budgets at community colleges and four-year institutions (following a \$50 million reduction to state universities last year).

Yet the Voter ID proposal would require at least \$21.2 million in new government spending for the next three years.<sup>3</sup>

In addition, the jobless rate in Missouri stood at 9.5 percent in December 2010– higher than the national average – and in the month of December alone, Missouri suffered a net loss of 6,500 payroll jobs. Consecutive years of decrease in employment put Missouri third-worst among the states in percentage job loss last year.<sup>4</sup>

### **THE WRONG FOCUS**

Current state law allows voters to prove their identity with documents that do not contain photographs, such as copies of current utility bills, bank statements or paychecks listing their names and addresses. While Missouri's other election laws are by no means ideal, the state has done relatively well, with slightly above average voter turnout rates<sup>5</sup> (though still incredibly low by an objective standard or comparison internationally). So why is the Missouri legislature doing this now?

Missouri Republicans have long 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.<sup>6</sup> According to the secretary of state, there has *never* been an instance of voter impersonation fraud in Missouri. The laws as they exist are working just fine.<sup>7</sup>

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 Missourians. 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, or the required documents for a photo ID (e.g. birth certificate or passport).<sup>8</sup> Secretary Carnahan too has identified as many as 240,000 *registered* Missouri voters – mostly the elderly, disabled, poor and minority voters – who lacked a government-issued photo ID through statewide database-matching in 2008 and 2009.<sup>9</sup> More recently, the Department of Revenue estimated 253,496 *registered voters* in Missouri do not have photo identification on file with the Department of Revenue.<sup>10</sup>

If the constitutional amendment and photo ID law were to pass, the state would be required to provide free state IDs for the many low-income Missouri citizens who do not already have an acceptable form of photo ID. However, it is in fact costly and time-consuming to collect the documents necessary for obtaining a “free” state photo ID – which was precisely the Missouri Supreme Court’s main concern when it struck down the photo ID law in 2006.<sup>11</sup> That is, Missouri citizens must provide *all* of the following documents to get a photo ID:<sup>12</sup>

- Proof of Lawful Presence – e.g. certified birth certificate which can cost \$5-\$30 and take up to 10 weeks;
- Proof of Lawful Identify – a Social Security card;
- Proof of Residency – a current utility bill or government check with address; and
- Proof of Name Change (if you have changed your name) – marriage licenses, divorce decrees, court orders, adoption papers, and amended birth certificates (all of which also come at a cost if they need to be reissued).

The “proof of lawful presence” is a particularly burdensome requirement as many Americans do not have their birth certificate, passport, or naturalization papers readily at hand. A national survey conducted by the Opinion Research Corporation found that 5.7 percent of the *native-born adult population* does not have a birth certificate or US passport at home.<sup>13</sup> Assuming that this 5.7 percent share is the same in Missouri as in the nation as a whole, an estimated 238,000 Missourians would not be able to obtain the required photo ID to cast a ballot.<sup>14</sup>

In addition, the survey results show how certain demographic groups would be disproportionately affected by a photo ID law because they are much less likely to have

the necessary documents to acquire a photo ID. These vulnerable populations include people without a high school diploma (9.2 percent of whom lack the documents), rural residents (9.1 percent), African Americans (8.9 percent), households with incomes below \$25,000 (8.1 percent), and the elderly (7.4 percent). Assuming that the above percentages are the same for Missouri as for the nation as a whole, a photo ID requirement would potentially disenfranchise:<sup>15</sup>

- more than 90,000 rural residents;
- 70,000 low-income residents;
- 50,000 residents without a high school diploma;
- 50,000 elderly residents; and
- 40,000 African Americans.

### *Increasing the Deficit*

Finally, the bill would *increase* state and local deficits. In its 2010 fiscal note, the Missouri Committee on Legislative Research Oversight Division estimated that implementation of a voter ID bill in Missouri would cost the Secretary of State, the Department of Revenue, and local governments up to \$21.2 million over the next three years. This estimate includes the cost of providing free IDs and the subsequent loss of revenue for the DOR, and the additional cost to election administrators for voter education on the new ID requirements and procedures.<sup>16</sup>

At a time when Missouri 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 Missourians' jobs, their first priority is protecting their own.

## **ENDNOTES**

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5. See United States Election Project at [http://elections.gmu.edu/voter\\_turnout.htm](http://elections.gmu.edu/voter_turnout.htm).
6. Lorraine Minnite, *The Myth of Voter Fraud*, Cornell University Press, June 10, 2010.
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10. Missouri Committee on Legislative Research Oversight Division, Fiscal Note L.R. No. 4082-02, Bill No. HJR 64, February 8, 2011, <http://www.moga.mo.gov/oversight/OVER10/fispdf/4082-02N.ORG.PDF>.
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12. Robin Carnahan (Missouri Secretary of State). "Testimony for US Senate Rules Committee" Hearing on "In-Person Voter Fraud: Myth and Trigger for Disenfranchisement?" March 11, 2008, [http://www.sos.mo.gov/elections/carnahan\\_senate\\_rules\\_testimony.pdf](http://www.sos.mo.gov/elections/carnahan_senate_rules_testimony.pdf).
13. This 5.7 percent share is a *conservative* figure, as it excludes foreign-born, or naturalized, citizens. Leighton Ku, Donna Cohen Ross and Matt Broaddus, "Survey Indicates the Deficit Reduction Act Jeopardizes Medicaid Coverage for 3 to 5 Million U.S. Citizens," Center on Budget and Policy Priorities, February 17, 2006, <http://www.cbpp.org/archiveSite/1-26-06health.pdf>.
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