

Approved: 3/25/08  
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:00 P.M. on January 31, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department  
Ken Wilke, Revisor of Statutes  
Jerry Donaldson, Legislative Assistant  
Zoie Kern, Committee Assistant

Conferees appearing before the committee:

Dr. David Muhlhausen, - Heritage Foundation, Dan Winter-ACLU

Others attending:

See attached list.

Chairman Tim Huelskamp brought meeting to order.

Committee began with telephone conference with Professor Timothy Vercellotti of Eagleton Institution.

Discussion.

Personal testimony given by David B. Muhlhausen, PH.D. Senior Policy Analyst, Center for Data Analyst, The Heritage Foundation (Attachment 1).

Discussion.

Personal testimony given by Dan Winter, Executive Director of American Civil Liberties Union and Western Missouri ( Attachment 2).

Meeting adjourned.

Respectfully submitted,

Zoie Kern, Committee secretary

**Senate Elections and Local Government Committee**

Daily, 1:30 - 2:30 p.m. Room 423S

Senator Tim Huelskamp, Chair

Guest List for 1/31/08, 2008

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Name

Representing

SEAN MILLER

CAPITOL STRATEGIES

Vanessa Anderson

Intern-Sen. Huelskamp

Brad Bryant

Sec of State

**Statement of  
David B. Muhlhausen, Ph.D.  
Senior Policy Analyst  
Center for Data Analysis  
The Heritage Foundation**

**Before the Committee on  
Elections and Local Government of the  
Kansas Senate**

**Delivered January 31, 2008**

**Introduction**

My name is David Muhlhausen. I am Senior Policy Analyst in the Center for Data Analysis at The Heritage Foundation. I thank Chairman Tim Huelskamp and the rest of the committee for the opportunity to testify today. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

While opponents of voter ID laws have been very vocal in their opposition, opinion polls consistently demonstrate that the American public overwhelmingly supports these laws. In a Fox 5/The Washington Times/Rasmussen Reports survey taken this January, 67 percent of Americans favor voter ID laws.<sup>1</sup> And 69 percent of whites, 58 percent of African-Americans, and 66 percent of other ethnic minorities support voter ID laws.

In a 2006 survey, Professors Stephen Ansolabehere and Elting R. Morison of the Massachusetts Institute of Technology found that 77 percent of respondents supported voter identification requirements.<sup>2</sup> For the most part, the majority of respondents supported such laws regardless of race, location (Northeast, Midwest, etc.), and political ideology. While those who identified themselves as conservatives had the highest percentage of agreement with identification requirements (at 95 percent), even those who identified themselves as “very liberal” had 50 percent agreement with voter identification laws. Regarding race, more than 70 percent of whites, African-Americans, and Hispanics supported voter identification laws.

**The Alleged Suppressive Effect of Voter ID Laws on Voter Turnout**

Despite the popularity of voter ID laws, some claim that such laws will disenfranchise voters.<sup>3</sup> A statistical analysis of the effect of voter identification requirements on voter turnout during the 2004 election by Professor Timothy Vercellotti of the Eagleton Institute found that more stringent voter identification requirements appeared to reduce voter turnout.<sup>4</sup> Hereinafter, this study will be referred to as the “Eagleton Institute study.” In the media, the Eagleton Institute study has been cited as demonstrating that the strengthening of voter identification requirements to reduce fraud suppresses minority voter turnout.<sup>5</sup>

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## **Voter ID Laws do not Suppress Voter Turnout**

Despite the findings of the Eagleton Institute study, new studies indicate that voter ID laws do not suppress voter turnout.

**Heritage Foundation Research.** A reanalysis of the individual-level data used in the Eagleton Institute study by myself and Keri Weber Sikich was published by the Heritage Foundation Center for Data Analysis in September 2007.<sup>6</sup> My report suggests that caution is needed in interpreting the Eagleton Institute's findings, for at least three reasons.

*First*, their study used one-tailed significance tests instead of the more commonly accepted two-tailed tests. The one-tailed test allows researchers to double their chances of finding statistically significant results.

*Second*, the voter identification laws for two states, Arizona and Illinois, were incorrectly classified. From our modeling, this misclassification leads to a negative and statistically significant relationship between photo identification requirements and voter turnout for all registered voters. When Arizona and Illinois are correctly classified, the relationship in our modeling is statistically indistinguishable from zero.

*Third*, the findings for photo identification requirements are sensitive to model specification. Using the Eagleton Institute's state voter identification classifications and controlling for marriage with a married or not dichotomous variable, our analysis of overall voter turnout finds that photo identification requirements have a negative and statistically significant relationship with overall voter turnout. However, when additional marital status variables—widowed, divorced, separated—are included, the statistically significant relationship for photo identification requirements disappears.

After addressing these issues, our reanalysis finds that some of the original findings of the Eagleton Institute study are unfounded. Controlling for factors that influence voter turnout, voter identification laws largely do not have the negative impact on voter turnout that the Eagleton Institute suggests. When statistically significant and negative relationships are found, the effects are so small that the findings offer little policy significance. For example, our analysis indicates that:

- White survey respondents in photo identification states are 0.002 percent less likely to report voting than white respondents from states that only required voters to state their name.
- African-American respondents in non-photo identification states are 0.012 percent less likely to report voting than African-American respondents from states that only required voters to state their name.

In other cases, no effect was found.

- In general, respondents in photo identification and non-photo identification states are *just as likely* to report voting compared to respondents from states that only required voters to state their name.
- African–American respondents in photo identification states are *just as likely* to report voting compared to African–American respondents from states that only required voters to state their name.
- Hispanic respondents in photo identification states are *just as likely* to report voting compared to Hispanic respondents from states that only required voters to state their name.

The findings of the Heritage analysis suggest that voter identification requirements, such as requiring non-photo and photo identification, have virtually no suppressive effect on reported voter turnout.

**Additional Research.** Additional research strongly suggests that voter ID laws do not suppress voter turnout. A 2007 study by Professor Jason D. Mycoff of the University of Delaware and his colleagues used state-level and individual data to analyze national voter turnout in four elections from 2000 to 2006.<sup>7</sup> Their study is rigorous because they examine the effect of voter ID laws on voter turnout over four elections and control for the political interests of voters. Political interest is considered one of the best predictors of voter turnout.<sup>8</sup> They found that “voter identification laws do not meaningfully affect voter turnout.”<sup>9</sup>

In addition, Professor Mycoff and his colleagues assert that studies finding even negligible decreases in turnout, like my study, suffer from a misspecification error because of the absence of a variable to account for political interests of voters. They hypothesize that marginally negative results would disappear if the political interest of voters were controlled for in the modeling.

Using Indiana county-level data for the 2002 and 2006 elections, Professor Jeffrey Milyo of the University of Missouri performed a rigorous analysis of the impact of Indiana’s photo ID law.<sup>10</sup> Professor Milyo analyzed the change in voter turnout in Indiana counties before and after the implementation of the state’s photo ID law. Overall, statewide turnout increased by 2 percentage points. The law had no effect on turnout in counties with higher concentrations of minorities, poor, elderly, or less educated. Further, turnout increased in counties with greater percentages of Democrats than other counties.

### **Conclusion**

Americans support voter ID laws for good reasons. First, there is little evidence to suggest that these laws disenfranchise voters. Second, voter ID laws are a common sense policy to help ensure the integrity of elections.

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Publication Sales and Other 0%

The top five corporate givers provided The Heritage Foundation with 1.3% of its 2006 income. The Heritage Foundation's books are audited annually by the national accounting firm of Deloitte & Touche. A list of major donors is available from The Heritage Foundation upon request.

Members of The Heritage Foundation staff testify as individuals discussing their own independent research. The views expressed are their own and do not reflect an institutional position for The Heritage Foundation or its board of trustees.

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<sup>1</sup> See Stephen Dinan, "Voter ID Rule Finds Support," *The Washington Times*, January 22, 2008, at <http://www.washingtontimes.com/article/20080122/NATION/667807970> (January 28, 2008).

<sup>2</sup> Stephen Ansolabehere and Elting R. Morison, "Access Versus Integrity in Voter Identification Requirements," Department of Political Science, Massachusetts Institute of Technology, February 2007, at [http://web.mit.edu/polisci/portl/cces/material/NYU\\_Identification1.pdf](http://web.mit.edu/polisci/portl/cces/material/NYU_Identification1.pdf) (July 24, 2007).

<sup>3</sup> Cynthia Tucker, "Voter ID Law an Ugly Effort to Subvert Ballot," *The Atlanta Journal-Constitution*, January 13, 2008, at [http://www.ajc.com/opinion/content/opinion/tucker/stories/2008/01/11/tucked\\_0113.html](http://www.ajc.com/opinion/content/opinion/tucker/stories/2008/01/11/tucked_0113.html) (January, 29, 2008).

<sup>4</sup> Timothy Vercellotti, "Appendix C: Analysis of Effects of Voter ID Requirements on Turnout," in *Report to the U.S. Election Assistance Commission on Best Practices to Improve Voter Identification Requirements Pursuant to the Help America Vote Act of 2002*, Eagleton Institute of Politics, Rutgers, The State University of New Jersey, and Moritz College of Law, Ohio State University, June 28, 2006 and Timothy Vercellotti and David Anderson, "Protecting the Franchise, or Restricting It? The Effects of Voter Identification Requirements on Turnout," American Political Science Association conference paper, Philadelphia, Pa., August 31–September 3, 2006.

<sup>5</sup> Christopher Drew, "Lower Voter Turnout Is Seen in State that Require ID," *The New York Times*, February 21, 2007, p. A16; Richard Wolf, "Study: Stricter Voting ID Rules Hurt '04 Turnout," *USA Today*, February 19, 2007, p. A5; Matthew Murray, "EAC Blasted Again for Burying Study," *Roll Call*, April 9, 2007; Tom Baxter and Jim Galloway, "Wonk Alert: Study Says the Heavier the Voter ID Requirements, the Lower the Turnout," *Atlanta Journal-Constitution*, February 21, 2007, Metro News.

<sup>6</sup> David B. Muhlhausen and Keri Weber Sikich, "New Analysis Shows Voter Identification Laws Do Not Reduce Turnout," Center for Data Analysis Report #07-04, The Heritage Foundation, Washington D.C., at [http://www.heritage.org/Research/LegalIssues/upload/cda\\_07-04.pdf](http://www.heritage.org/Research/LegalIssues/upload/cda_07-04.pdf).

<sup>7</sup> Jason D. Mycoff, Michael W. Wagnor, and David C. Wilson, "Do Voter Identification Laws Affect Voter Turnout?" Working Paper, Department of Political Science and International Relations, University of Delaware, 2007. A previous version of this paper was presented at the Annual Meeting of the American Political Science Association in Chicago, Illinois, August 2007.

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<sup>8</sup> Henry E. Brady, Sidney Verba, and Kay Lehman Schlozman, "Beyond SES: A Resource Model of Political Participation," *The American Political Science Review*, Vol. 89, No. 2. (Jun., 1995), pp. 271-294.

<sup>9</sup> *Ibid.*, p. 4.

<sup>10</sup> Jeffrey Milyo, "The Effects of Photographic Identification on Voter Turnout in Indiana: A County Level Analysis, Report 10-2007, Institute of Public Policy, University of Missouri, November 10, 2007, at <http://truman.missouri.edu/uploads/Publications/Report%2010-2007.pdf> (January 29, 2008).

Statement to the  
Senate Committee on Elections and Local Government  
by  
Dan Winter, Executive Director  
American Civil Liberties Union of Kansas and Western Missouri  
January 31, 2008

**THE VOTER ID LAW IS AN EXPENSIVE SOLUTION IN SEARCH OF A NON-EXISTENT PROBLEM**

Good Afternoon, Chairman Huelskamp, Senator Betts, members of the Committee, legislative staff and guests.

My name is Dan Winter. I am the Executive Director of the American Civil Liberties Union of Kansas and Western Missouri.

First, let me say how pleased I am to speak in this room and in this building in which, literally, I spent a measurable part of my youth. A sixth generation Kansan, I grew up in Ottawa, Franklin County, Kansas and graduated from the University of Kansas. I have lived and worked for most of my career in Miami, Johnson, Douglas and Sedgwick counties.

My father served in the Kansas Senate from 1968-1980 and my brother from 1982-1992, both as Republicans. I have bent the ears of numerous Kansas elected officials, but always, until today, as a concerned individual or as a volunteer for not for profit agencies. My political resume also includes one of my favorite jobs ever: as a page in the Kansas Senate.

I tell you this to establish myself as a son of Kansas, a lover of this state where civil liberties have flourished, where we enjoy high voter turnout, where populism has historically flourished and where people appreciate being left alone by the government to enjoy their civil liberties. Kansas is a state where the electorate, at the same point in history, produced a republican US Senator who ran for president and a democratic governor who delivered a nationwide televised address.

This brings me to why I am here to talk against the proposed Voter ID program. Voter ID is a partisan sham. It is an expensive and abusive solution in search of a problem. It disenfranchises. Individual voter fraud is simply non-existent as a social problem.

The problems of Voter ID are well-known and the justifications for it non-existent:

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- Studies show that as many as 12% of eligible voters do not have the required ID. It is hard for middle-class Americans, such as many of us in this room, to understand that.
- It is discriminatory. It disenfranchises the poor, the elderly, minorities and students. It discriminates against the homeless and those who do not drive and are therefore less likely to have a driver's license. Many citizens in these categories are unlikely to obtain the required identification because of the cost, the paperwork and the time away from work or families.
- Ostensibly, the justification for a restrictive voter law such as Voter ID is to deal with voter impersonation. However, I could find no evidence of such a conviction in Kansas dealing with impersonation at the polls. It simply doesn't happen. A voter ID law is an expensive solution in search of a non-existent problem.
- If a non-registered person were to try to impersonate someone else and try to vote, it would be easy enough to do so using an advance ballot by mail, better known as absentee voting. There is no provision in the proposed Kansas law and in the existing Voter ID laws in other states to prevent individual voter fraud in absentee balloting.
- There are existing laws that address the same problems targeted by Voter ID requirements – including voter identification provisions in the Help America Vote Act.
- Restrictive Voter ID Laws are anti-constitutional. The right to vote is protected by more constitutional amendments — the First, 14th, 15th, 19th and 26th — than any other right we enjoy as Americans.
- There are existing federal and state statutes that guarantee and protect voting rights, as well as declarations by the Supreme Court that the right to vote is fundamental because it is protective of all rights.
- Voter ID requirements create more opportunities for identity theft. ID theft is common in the illegal acquisition of birth certificates and social security numbers. This bill would require potentially tens of thousands of Kansans to apply for copies of their birth certificates (sent in easily recognizable envelopes from the far flung counties of their births) so that they could get IDs to allow them to vote. Birth certificates are easy to steal.

**There is no problem with voter impersonation. Evidence that voter ID fraud is widespread is simply non-existent.**

States who have implemented Voter ID laws have crafted a costly, discriminatory solution to a non-existent problem.

Although photo ID laws are touted as a measure to combat voter fraud, they do no such thing. They do not prevent ballot stuffing, absentee ballot fraud, vote suppression or misconduct by poll workers. They only guard against one type of fraud that is extraordinarily rare and risky—impersonating a registered voter at the polls.

The recent National Commission on Election Reform found that there is no evidence that this kind of fraud is at all prevalent in the U.S., and studies confirm that its incidence is negligible. Since this type of voter fraud could lead to five years in prison and a \$10,000 fine, and since an individual voter has little to gain from it (casting a single vote), it is no wonder that it almost never happens.

In an exhaustive study by the Brennan Center, a copy of which I will make available to you, it has been determined that when the proponents of Voter ID cite examples of voter fraud as justification for onerous and costly Voter ID laws, it is extremely rare that voter ID at the polls would have any effect on preventing the types of fraud cited as a justification for Voter ID laws.

There are no states, certainly not Kansas, that show widespread evidence of actual fraud caused by individual misrepresentation at the polls.

In three states where many proponents of Voter ID have cited voter fraud, none of the problems could have been resolved by requiring voter identification at the polls.

In those three states, Missouri, New Jersey and Wisconsin, the fraud events that did **not** involve voter impersonation amount to overall rates of .0003%, .0004% and .0002% of the overall votes cast during the study period, according to the report. So fraud at the polls is happening, but it is extremely rare and rarer still are instances of voter impersonation.

It has been determined that when the proponents of Voter ID cite examples of voter fraud as justification for onerous and costly Voter ID laws, it is extremely rare that requiring voter identification at the polls would have any effect on preventing the types of fraud cited as a justification for Voter ID laws.

In a fourth state, Ohio, out of 9.1 million votes cast in the 2002 and 2004 general elections, there were four instances of voter fraud alleged (a rate of .0002%). Not one of the four would have been prevented by requiring a picture ID at the polls.

In a fifth state, Georgia, there were no documented cases by the Secretary of State of voter fraud relating to the impersonation of a registered voter at the polls during her 10 years as an elected voter official in that southern state.

In a sixth state, Texas, of the 108 cases referred to the attorney general, only 22 were prosecuted. Of those, 14 were about mail-in ballots and only three involved unlawful conduct at the polls, creating another miniscule statistic showing that Voter ID is not needed and is a costly solution in search of a problem.

Nationwide, in the last six years, there have been 86 individuals convicted of federal crimes relating to election fraud. Voter ID laws would not have prevented the majority of those and none of those included voter impersonation at the polls. Several of those cases involved dogs who had registered and voted by mail, which points out that Voter ID laws will no doubt significantly cut down on the number of dogs who misrepresent themselves at the polls, but it will have no effect on the numbers of dogs who successfully vote using absentee ballots.

In that six-year period, there were 196,140,000 ballots cast in federal general elections. Statistically, Americans are more likely to be killed by a bolt of lightning than they are to engage in voter fraud. During hearings on Voter ID in the Texas Legislature, it was pointed out that "there are far more UFO sightings every year than reports of the sorts of fraud that photo ID can fix." (Levitt-Brennan Center)

### **There will be disenfranchisement**

Dr. R.P Moore, Elections and Voting Researcher with the Research Triangle Institute in North Carolina, said there is *growing evidence that there is a population of Americans that don't have a photo ID*. We do know they are disproportionately poor, women, minorities, and likely to vote Democratic, he said.

U.S. District Court Judge Terrence Evans, commenting on the Indiana Voter ID lawsuits said the law will make it significantly more difficult for "people who are poor, elderly, minorities, disabled, or some combination thereof" to vote. He described the photo ID requirement as "a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic."

Some interest groups will try to prove that there will be no real disenfranchisement due to Voter ID –that the problem of Americans with no ID who will not be able to vote is simply not statistically valid. But, sadly, we will never know the truth about that until it is too late. We will never know how many people will have their constitutional right to vote denied them by Voter ID laws.

But let me provide one statistic that could give a clue. Approximately 25 percent of African-American citizens of voting age (5.5 million Americans) have no current government-issued photo ID, compared to 8 percent of white citizens. The effect of photo

ID laws in suppressing black — and thus likely Democratic — political participation is apparent.

Photo ID laws fall within this unfortunate American tradition, going back to the days of Jim Crow laws like literacy testing, IQ testing and poll taxes, of disfranchising laws passed under the guise of electoral reform.

An extensive and number-filled study by a Rutgers University think tank called The Eagleton Institute found that Voter ID laws appeared to reduce voter turnout in 2004. Many media outlets have cited that study as demonstrating that the Voter ID laws have the side effect of suppressing minority voter turnout.

Well, the Heritage Foundation didn't like the Eagleton Institute's results (because that's what think tanks do — they re-think and re-study each other's results), so they ran their own study. Unsurprisingly, they produced a report that was just as long and produced a result much more to their liking that said Voter ID does not suppress voter participation.

So, who are you going to believe, the think tank that is named after a Democrat or the Heritage Foundation that is run by Republicans? I bet it goes down like this: the Republican legislators are going to believe the Heritage Foundation and the Democrat legislators are going to believe the one named after a Democrat.

By the way, just so you can have a clue which study I like better, here's a curious footnote from the Heritage Foundation report, co-authored by David Muehlhausen, where he writes that:

"Respondents from photo identification states are less likely to have reported voting compared to respondents in states that only required voters to say their names at the polling stations. The magnitude of the negative relationship between photo identification requirements and voter turnout is difficult to interpret with probit coefficients, so the elasticity was calculated."

Now, what does that mean to say that "the elasticity was calculated" and that the data is "difficult to interpret"? Does that mean that the authors of the study couldn't figure something out and took a guess? Is that what "the elasticity was calculated" means? My point is that we may never know how many voters will be disenfranchised, despite all the partisan studies, on both sides of the issue, that attempt to guess at the number.

The standard argument about disenfranchisement by supporters of Voter ID goes like this: If you have to show a photo ID to cash a check or to travel on a plane or to enter a government building, why not require people to show an ID to vote? That's what Dr. Muehlhausen asks in his press release accompanying Heritage Foundation report.

My response to that question is that riding on a plane is not a right guaranteed by the United States Constitution. It is an privilege. Cashing a check or even entering a government building is not a right specifically guaranteed by the constitution. Voting is a guaranteed right. Voting is a constitutional right, not a privilege.

And people like Dr. Muehlhausen, Senators Huelskamp and Betts and I usually don't go to those check-cashing and payday loan places or pawn shops where it is common to charge people extra to cash a check if they don't have a photo ID. So, Heritage Foundation, you certainly **can** cash a check without a photo ID. I did it myself recently simply to test the hypothesis in a Kansas City, Kansas check-cashing place. My brother-in-law runs a pawn shop. He cashes checks for people without photo identification all the time. I recently visited Washington and never once did I have to show a picture ID to get into government buildings such as the National Archives, Supreme Court and the Treasury Building. I didn't have to show an ID to get in this building today, either.

As for getting on a plane, well, most poor people and many students and many disabled people don't use airplanes to travel. They use buses, where ID is not required or they don't travel at all. Anyway, you don't even need a photo ID to get on most planes if you lose your driver's license and have no alternate photo ID. I know. I once lost my wallet and was able to board a plane after some extra security scrutiny. It wasn't any fun enduring all that extra security, but I was able to fly without my picture ID.

However, if I'd been registered to vote in Kansas that day and if that day would have been an election day and if a restrictive and expensive Voter ID law were in place, I could have cashed a check, visited the Kansas capitol and ridden on a plane, but I wouldn't have been able to have my vote count on election day in Kansas. But, if I were so inclined, and had I gone to the trouble of registering her, I could have voted in the name of my 15-year old Dalmatian, because the Kansas Voter ID law does nothing to prevent voter fraud by those who do the whole shebang through the mail, including dogs.

### **There will be costs**

For the thousands of Kansas who do not have a photo ID and are eligible to vote, it can cost hundreds of dollars. First, there is the cost of taking time off from work to get the ID. Then, there is the cost of transportation to and from the site where the ID or DL must be procured, which can be many miles from the voter's homes. Then, there is the actual cost of obtaining back-up identification and documentation that is always necessary for obtaining an ID.

This is an issue that is difficult for many middle-class voters to understand, that is, the real financial difficulty for people of limited means, often people who do not have cars, to get valid identification in order to allow them to exercise their constitutional right to vote.

I understand there is no fiscal note yet prepared that estimates the cost of the state and counties of Kansas to implement a Voter ID law. It will no doubt be millions of dollars.

Lacking any statistical information of the hidden and direct costs in Kansas, let's use Texas as an example. There, 150,000 registered voters lack photo ID, not including eligible but unregistered voters without identification who would be impacted by photo

ID requirements. According to a state official in Texas (Representative Burnam) it would cost the state \$25 per birth certificate for 150,000 citizens to solve a problem that does not exist.

The population of Kansas is one-tenth of Texas, so if Texas would have to spend a minimum of \$3,750,000 to keep from disenfranchising voters, we could guess that a tenth of that is what it might cost Kansas to do the same. That's \$375,000, which, of course, is simply the beginning of the costs, not counting training, printing, public information campaigns and a possible legal challenge. The costs may quickly add up to the millions.

Closer to home, during the expensive litigation that resulted in the striking of the Missouri Voter ID law, the ACLU estimated that the law could cost Jackson County alone \$470,000 to notify voters about the new rules and to purchase needed equipment, hire staff and to train and recruit volunteer poll workers, not including the cost of the state to issue proper ID. Although Jackson County Missouri is that state's second largest county, there are 105 counties in Kansas. I think a safe, minimum estimate of the cost of implementing voter ID in Kansas is well over a million dollars. Again, that doesn't count the cost to individual Kansans to acquire the necessary ID.

The state of New Mexico estimated a cost of \$1,620,000 alone for printing and mailing associated with a new voter ID law. Kansas has 800,000 more citizens than New Mexico, so its safe o suggest that the estimates to implement Voter ID will cost Kansas taxpayers more than \$2 million dollars, not including the cost to the affected voters.

Finally, there will be constant and ongoing costs to enforce this onerous law. Which state agencies will have to grow? Certainly, we'll need more law enforcement to monitor citizens at the polls. Will Kansas law enforcement officials arrest suspected Voter ID criminals at the poll sites? Will we deputize poll workers to make arrests? How will we catch the wave of upcoming criminals at the polling places that do not exist now?

### **Voter ID as a tool to stop illegal immigrants from voting: An unlikely problem**

The problem of illegal immigration is serious. But, Voter ID is not going to do a thing to improve any of the serious problems. Voter ID has been justified in some places as a necessary tool to keep the rising tide of illegal immigrants from voting. Voter ID is a red herring for illegal immigration.

Proponents of Voter ID want to keep illegals from affecting the elections. But, I submit that it is ridiculous to imagine hordes of illegals, or even a few of them, storming the polls and pretending to be someone else so they can cast a single vote. Illegal immigrants avoid places where they have to identify themselves in any way, except in situations where they are going to receive financial gain. Where is the evidence that illegal immigrants at the polls is a problem that needs solving?

Just as when you analyze Voter ID against every other measure it is alleged to improve, Voter ID as a tool to reduce the effect of illegal immigrants at the ballot box is a non-starter.

### **The real motive behind Voter ID: Partisan Politics**

In the bitter and expensive Indiana court challenge to Voter ID, a federal appellate court judge acknowledged Voter ID's discriminatory effect. U.S. District Court Judge Terrence Evans said the law will make it significantly more difficult for "people who are poor, elderly, minorities, disabled, or some combination thereof" to vote. He also described the photo ID requirement as "a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic."

The stated rationale for restrictive voter ID laws is "ballot security" and the need "to reduce voting fraud." But it was also conceded by the proponents of the Indiana law, and found by the lower court, that no one in the history of the state had ever been charged, much less convicted, of the crime of fraudulent in-person voting.

Partisanship is not limited to Indiana, of course. In 2005, the Georgia Legislature, in a vote sharply divided on racial and partisan lines, passed a new law requiring those voting in person — but not by absentee ballot — to present one of six forms of government-issued photo ID. The law was not enacted after a lengthy and expensive court battle.

State by state, where the legislature has argued Voter ID, the votes have been overwhelmingly partisan.

In each state, the overwhelming majority of the politicians who are for Voter ID are Republicans. The vast majority of the politicians who are against Voter ID are Democrats.

A man named Royal Masset, the former political director for the Republican party of Texas said in a 2007 article in the *Houston Chronicle*:

Among Republicans, "it is an article of religious faith that voter fraud is causing us to lose elections," Masset said. He said he did not agree with that prevailing thought among his fellow Republicans but does believe that requiring photo IDs could cause enough of a drop off in legitimate Democratic voting to add 3 percent to the Republican vote.

This remarkably candid observation underscores why it is so critical to get the facts straight on voter fraud. No study can accurately predict whether Voter ID requirements will cause a drop off in voting among the poor, students, the disabled and the segment of our society that gets along quite well (and quite within the law) while living and voting without a photo ID. But common sense would tell you that some people won't go to the trouble and cost to get an ID and will just simply not vote anymore.

It also seems to make sense that the drop-off will benefit the Republicans. And, Republicans seem to know that. The problem for partisans involved with the Voter ID issue is that Americans could start figuring that out, too. And, in an environment when the electorate is tired of bitter, blatant partisanship, Americans are going to figure out when politicians are issuing bad, anti-constitutional public policy and react against them at the ballot box.

Please consider the political, financial and constitutional ramifications when you take up Voter ID. Please take into account that this is an expensive and unfair solution to a non-existent problem. Please look into real election reform measures to ensure all Kansas their basic constitutional right to cast a vote.

One of the enduring, and unconscionable ironies of our democracy is the willingness of those with power to limit the right to vote for racial and partisan reasons. Voter ID is bad political strategy and bad public policy.

Thank you for your consideration and your time.