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The Honorable Terrie W. Huntington, Chair
Senate Ethics and Elections Committee

Reference HB 2437-Relating to Voting; Proof of US Citizenship

Good morning Madam Chair and Members of the Senate Ethics and Elections Committee. My name is Maren Turner and I am the Director of AARP Kansas. AARP represents more than 340,000 members in Kansas. Thank you for this opportunity to address our concerns with and opposition to House Bill 2437, which would move the proof of citizenship for newly registered voters from January 1, 2013 to June 15, 2012.

The right to vote is the most basic of all political rights. Over the last several years, the American public has become aware of the many inconsistencies that exist in voting systems throughout the country and which compromise the integrity of the election process.

Overall, voting mechanisms lack uniform standards, and in many locations, they have failed to keep pace with new technologies. Of particular concern are the unnecessary, complex rules for voter registration and absentee balloting and physical and other barriers to voting in-person. These impediments to exercising the franchise tend to disproportionately prevent minorities, older persons and people with disabilities from voting or from having their vote counted.

And as we all know, the overall rate of voter participation in the U.S. is woefully low, especially when compared to other industrial democracies. User-friendly voting and voting procedures would encourage larger numbers of Americans to vote. In order to ensure that more Americans participate in the electoral process, people's confidence needs to be restored by an election system that is fair, accurate, accessible and secure.

AARP has a longstanding commitment to full citizen participation in the democratic process at the federal, state and local levels. For that reason, AARP has supported electoral reform at the federal level -- i.e., enactment of the National Voter Registration Act (NVRA), the Help America Vote Act (HAVA), the Bipartisan Campaign Reform Act (BCRA), and reauthorization of the Voting Rights Act (VRA). AARP also conducts extensive voter education efforts in each of the 53 U.S. states and territories in which it has offices.

VOTER ID REQUIREMENTS

As the states have become more active in addressing access to the ballot in recent years, AARP attorneys have represented citizens -- a great many of whom are aged 50+ -- who

could become disenfranchised. AARP also has participated in various advisory capacities, at both the federal and state levels, to support citizen empowerment through meaningful opportunity to exercise the franchise.

While HB 2437 also extends a free copy of birth certificate for voting, we believe that “photo ID” voting requirements unnecessarily limit rather than expand citizen participation in the electoral process, and the Supreme Court acknowledged that in-person voting fraud is a “problem” that exists barely, if at all. In the jurisdictions that have embraced strict “photo ID” policy, state statutes or ballot initiatives have sought to enact laws that elevate proof requirements for voters to register (AZ) and/or to vote in person (GA and AZ). These laws are based on assertions of voter fraud. This assertion heightens tensions among all voters. The new state laws and implementing rules, we believe, could significantly limit opportunities to register and/or vote. Many persons who are qualified to vote, but do not have ready access to documents – such as birth certificates, driver’s licenses and passports – that have never been deemed necessary in the past, may lose the fundamental right to vote.

AARP is particularly concerned that such rules will prevent many eligible older voters, voters with disabilities (who may be unable to obtain the requisite photo or citizenship ID) and low-income voters (who may not be able to afford such ID) from exercising their right to vote. Such laws adversely affect older voters who (1) no longer drive and do not need licenses; (2) do not now travel or never did and therefore have no passport; or (3) are persons without birth certificates (e.g., Southern blacks or some Native Americans who were not allowed in white hospitals that provided documentation). On behalf of older Americans who have largely shaped the values of our democracy, we urge great care to ensure that the basic right to vote is not undermined in an overbroad effort to address unproven allegations of voting abuse.

The need for voter ID laws is understandable, but overly stringent barriers to voting are questionable. There is very little evidence of actual in-person voter fraud. The problem in this country is not people trying to vote who shouldn't -- it's all the people who can vote, but don't. Many people don't vote because of rules that make it too complicated, too difficult, or too costly to go to the polls. We need laws that make it easier to vote, not harder. Just imagine, you're 75 years old, you've been going to your local polling place for a half century, and suddenly you're asked to prove who you are with a new photo ID. The ID will cost extra money to obtain. If you do not have or cannot find your birth certificate — necessary to prove you are a citizen — you may have to spend up to \$200 to get a replacement copy. For someone on a fixed income, this is an unnecessary cost, and it should not be necessary for you to prove your identity after having gone to the same polling station for decades. We think that there are less punitive alternatives to address alleged in-person voter fraud.

Further, the potential for poll worker confusion and selective enforcement of voter ID rules are great – especially given recent and historic voting rights abuses. In many instances, poll workers are not adequately trained in advance to fully grasp the nuances of

such requirements as:

- which IDs are acceptable;
- who should be asked for their IDs;
- what is proper protocol for attending to persons lacking proper ID; and
- who is responsible for ensuring voter access to a provisional ballot or alternative voting opportunity?

Leaving the decision to subjective interpretation may result in racial and other forms of profiling at the polling place.

Even casting a provisional ballot can be a barrier to voting. Provisional ballots have been suggested as a “compromise” that is equivalent to casting a ballot, but provisional ballots are valid only when counted – and many are not.

AARP believes that voter ID requirements and provisional ballots should be tools to promote honest and effective elections, but should not present administrative, financial or other barriers to the right to vote. Effective remedies legislators could consider include:

- sworn vouching statements to affirm in-person voter identity;
- thorough, advance training of poll workers to ensure each voter understands how to cast a ballot that will be counted;
 - requirements to provide, in advance of elections, free voter ID to registered voters and new registrants for whom the financial and administrative cost of an official ID is burdensome;
 - procedures that encourage and promote maximum participation in the electoral process by expanding the range of voting times, locations and means (e.g., by offering in-person, vote-by-mail, early and secure online voting); and
 - repeal of unreasonable identification requirements that discourage or prevent certain classes of citizens from voting.

VOTER EDUCATION: Senate Bills 388 and 389

Although AARP supported the specific objectives of Senate Bills 388 and 389 -- greater training opportunities for poll workers and improved voter education programs – these bills raise several serious problems, which cause AARP to conclude that their enactment, as currently conceived, is ill-advised. First, Senate Bills 388 and 389 are part of an impractical rush to implement voter ID a year earlier than originally planned in 2011 House bill 2067.

Senate Bills 388 and 389 are insufficient to assure access to the voting booth for many voters without photo ID – including a great many older voters, such as those with disabilities and poor access to transportation. Finally, statewide implementation of Senate Bills 388 and 389 in time for the August 2012 statewide primary will be costly and time consuming, and likely much less effective than a more deliberate implementation timeline, as originally planned.

Of particular concern to AARP is the timeline for Senate Bill 389, which calls for implementation prior to the August primary. Launching a statewide campaign to contact all eligible voters is laudable, but the timeline is unrealistic. Furthermore, this bill takes for granted the passage of HB 2437, which moves up implementation of 2011 House bill 2067.

AARP is concerned that the short period of time between enactment of Senate Bill 389 – if it occurs – and the August 2012 primary is too little to assure that public education will reach all or most voters without photo ID and allow them time to take steps necessary to obtain a valid ID. The education campaign outlined in Senate Bill 389 relies on methods of communication – including the Internet – most available to Kansans who least need photo ID – the affluent – and least available to those who need it most – low-income persons, persons with disabilities, and other older voters who may live in settings without access to computers or newspapers or even TV and radio. Many voters Senate Bill 389 hopes to find are not reachable through these outlets.

In short, Senate Bill 389 does not get to the root of the problem for most voters who lack photo ID – accessibility. It is not enough to assume that well-trained poll workers and a voter education information campaign will prevent disenfranchisement. Many voters may know they need an ID to vote, but may be unable to get to the Department of Motor Vehicles (DMV) to obtain a valid ID, whether because they do not drive themselves, they have nobody else who can transport them to the DMV, or they do not live where there is access to public transportation. In addition, even if they find out about the need to get photo ID and can get to the DMV, they may be unable access the necessary documents to entitle them to be issued a valid photo ID.

AARP wishes to stress that availability of identification is a genuine problem. According to the Brennan Center, roughly 11% of voting-age Americans do not have government-issued photo ID and proof of citizenship. Photo ID laws affect older people, the poor, African Americans and students the hardest. The Center's acting director recently noted that, "there's no question that citizens over 65 will be particularly impacted. The older you get, the more likely you won't have an ID." Nearly one in five citizens over 65 – about 8 million – lack a current, government-issued photo ID, a 2006 Brennan Center study found. Most people prove their eligibility to vote with a driver's license, but people over 65 often give up their license and don't replace it with the state-issued ID that some states offer non-driving residents. People over 65 also are more likely to lack birth certificates because they were born before recording births was standard procedure. Older women, in particular, are even less likely to have documentation under their married name.

With regard to access, AARP Kansas submits that Senate Bill 389, in its current form, is woefully inadequate to do the job. AARP strongly recommends the amendment of Senate Bill 389 to require, and to authorize funding to support, the use of mobile units or other measures by the Secretary of State in order to ensure that access to valid photo ID is brought to areas of the State. Without this additional feature, there is no assurance that

many voters who lack photo ID can get the identification needed to exercise their fundamental, constitutional right to vote.

Finally, although the fiscal impact of these measures has yet to be estimated, we can be confident – based on the experiences of other states – that their implementation will be costly. According to the Brennan Center for Justice, Missouri estimated the cost of implementing its voter ID legislation at \$6 million in the first year of implementation. Indiana anticipated spending roughly \$2.2 million on similar provisions. Previous bills in Minnesota have estimated the cost of voter ID legislation to be \$500 thousand per election, *before* outreach and education efforts.

Therefore, AARP Kansas opposes HB 2437 and any attempts to fast forward voter ID and voting laws that will not allow sufficient time for voter education and/or prevent those who are eligible from a voting opportunity. We respectfully request this committee's opposition to this legislation.

Respectfully,
Maren Turner

