

Senate Committee on Ethics and Elections:

Please reject HB 2437. In my opinion it would be unethical to pass a law that much evidence shows that it is unlikely to be properly implemented in the time frame expected. Please see attachment for proof that neither the DMV, KDHE nor the local voting precincts can be totally able to implement this law in time for the 2012 elections.

I am requesting that the document attached to my email be submitted to the Ethics and Elections committee for consideration relevant to HB2437.

Suzanne D. Cohen

38224 Sycamore Creek Road  
Alta Vista, KS  
785 499 6428





## CITIZENS WITHOUT PROOF:

### A SURVEY OF AMERICANS' POSSESSION OF DOCUMENTARY PROOF OF CITIZENSHIP AND PHOTO IDENTIFICATION

#### Summary

A recent national survey sponsored by the Brennan Center for Justice at NYU School of Law reveals that millions of American citizens do not have readily available documentary proof of citizenship. Many more – primarily women – do not have proof of citizenship with their current name. The survey also showed that millions of American citizens do not have government-issued photo identification, such as a driver's license or passport. Finally, the survey demonstrated that certain groups – primarily poor, elderly, and minority citizens – are less likely to possess these forms of documentation than the general population.

From November 16-19, 2006, the independent Opinion Research Corporation conducted a telephone survey of 987 randomly selected voting-age American citizens.<sup>1</sup> The survey included several questions sponsored by the Brennan Center, asking whether respondents had readily available documentary proof of citizenship or government-issued photo identification, and if so, whether it contained current information:

- 1) Do you have a current, unexpired government-issued ID with your picture on it, like a driver's license or a military ID?
- 2) If yes, does this photo ID have both your current address AND your current name (as opposed to a maiden name) on it?
- 3) Do you have any of the following citizenship documents (U.S. birth certificate/U.S. passport/U.S. naturalization papers) in a place where you can quickly find it if you had to show it tomorrow?
- 4) If yes, does [that document] have your current name on it (as opposed to a maiden name)?

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<sup>1</sup> Scholars recognize that many telephone surveys underrepresent low-income and minority households. *See, e.g.*, Stephen J. Blumberg et al., Telephone Coverage and Health Survey Estimates: Evaluating the Need for Concern About Wireless Substitution, 96 AM. J. PUBLIC HEALTH 926 (2006); U.S. BUREAU OF THE CENSUS, STATISTICAL BRIEF: PHONELESS IN AMERICA (1994), at [http://www.census.gov/apsd/www/statbrief/sb94\\_16.pdf](http://www.census.gov/apsd/www/statbrief/sb94_16.pdf). Although the results of this survey were weighted to account for underrepresentation of race, they were not weighted to account for a likely skew toward higher-income households. Because the survey found that low-income households were less likely to have documentary proof of citizenship or photo ID, it is therefore likely that the survey results actually underestimate the total number of American citizens who do not have readily available documentation.

## Survey results: proof of citizenship

As many as 7% of United States citizens – 13 million individuals – do not have ready access to citizenship documents. Seven percent of the American citizens surveyed responded that they do not have ready access to U.S. passports, naturalization papers, or birth certificates.<sup>2</sup> Using 2000 census calculations of the citizen voting-age population, this translates to more than 13 million American adult citizens nationwide who cannot easily produce documentation proving their citizenship.<sup>3</sup>

**Citizens with comparatively low incomes are less likely to possess documentation proving their citizenship.** Citizens earning less than \$25,000 per year are more than twice as likely to lack ready documentation of their citizenship as those earning more than \$25,000.<sup>4</sup> Indeed, the survey indicates that at least 12 percent of voting-age American citizens earning less than \$25,000 per year do not have a readily available U.S. passport, naturalization document, or birth certificate.<sup>5</sup>

**Documentation proving citizenship often does not reflect the citizen's current name.** Many of those who possess ready documentation of their citizenship do not have documentation that reflects their current name. For example, survey results show that only 48% of voting-age women with ready access to their U.S. birth certificates have a birth certificate with current legal name<sup>6</sup> – and only 66% of voting-age women with ready access to *any* proof of citizenship have a document with current legal name.<sup>7</sup> Using 2000 census citizen voting-age population data, this means that as many as 32 million voting-age women may have available only proof of citizenship documents that do not reflect their current name.

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<sup>2</sup> Unless otherwise indicated, the margin of error for these survey results, to a 95% confidence level, is  $\pm 2\%$ .

<sup>3</sup> We note that 135 respondents indicated that they had *both* a U.S. birth certificate and U.S. naturalization papers. This most likely indicates confusion on the part of the respondents, who might not have understood what a “naturalization certificate” is. Because these 135 individuals most likely do possess some documentary proof of citizenship, whether birth certificate or naturalization papers, they have been included for purposes of these results with survey respondents who indicated that they do possess citizenship documents. If these 135 respondents were excluded from the total sample, the remaining population would have revealed an even larger portion (nine percent) without documentary proof of citizenship.

<sup>4</sup> The survey did not yield statistically significant results for differential rates of possession of citizenship documents by race, age, or other identified demographic factors.

<sup>5</sup> The margin of error for this particular result, to a 95% confidence level, is  $\pm 5\%$ .

<sup>6</sup> The margin of error for this particular result, to a 95% confidence level, is  $\pm 5\%$ .

<sup>7</sup> The margin of error for this particular result, to a 95% confidence level, is  $\pm 4\%$ .

## Survey results: photo identification

**As many as 11 percent of United States citizens – more than 21 million individuals – do not have government-issued photo identification.** Eleven percent of the American citizens surveyed responded that they do not have current, unexpired government-issued identification with a photograph, such as a driver's license or military ID.<sup>8</sup> Using 2000 census calculations of the citizen voting-age population, this translates to more than **21 million** American adult citizens nationwide who do not possess valid government photo ID.

**Elderly citizens are less likely to possess government-issued photo identification.** Survey results indicate that seniors disproportionately lack photo identification. **Eighteen percent** of American citizens age 65 and above do not have current government-issued photo ID.<sup>9</sup> Using 2005 census estimates, this amounts to more than **6 million** senior citizens.

**Minority citizens are less likely to possess government-issued photo identification.** According to the survey, African-American citizens also disproportionately lack photo identification. **Twenty-five percent** of African-American voting-age citizens have no current government-issued photo ID, compared to eight percent of white voting-age citizens.<sup>10</sup> Using 2000 census figures, this amounts to more than **5.5 million** adult African-American citizens without photo identification. Our survey also indicated that sixteen percent of Hispanic voting-age citizens have no current government-issued photo ID, but due to a low sample size, the results did not achieve statistical significance.<sup>11</sup>

**Citizens with comparatively low incomes are less likely to possess photo identification.** Citizens earning less than \$35,000 per year are more than twice as likely to lack current government-issued photo identification as those earning more than \$35,000. Indeed, the survey indicates that at least **15 percent** of voting-age American citizens earning less than \$35,000 per year do not have a valid government-issued photo ID.<sup>12</sup>

**Photo identification often does not reflect current information.** For many of those who possess current, valid government-issued photo ID, the documentation does not reflect their current information. For example, survey results show that ten percent of voting-age citizens who have current photo ID do not have photo ID with both their current address and their current legal name. The rate is higher among younger citizens: as many as **18 percent** of citizens aged 18-24 do not have photo ID with current address and name; using 2004 census tallies, that amounts to almost **4.5 million** American citizens.<sup>13</sup>

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<sup>8</sup> This figure is consistent with official government estimates. The 2005 Carter-Baker Commission, for example, cited the U.S. Department of Transportation and the U.S. Census Bureau in finding that approximately twelve percent of the national voting-age population does not possess a driver's license. Commission on Federal Election Reform, *Building Confidence in U.S. Elections*, at 73 n.22 (2005).

<sup>9</sup> The margin of error for this particular result, to a 95% confidence level, is  $\pm 6\%$ .

<sup>10</sup> The margin of error for this particular result, to a 95% confidence level, is  $\pm 8\%$ .

<sup>11</sup> The margin of error for this particular result, to a 95% confidence level, is  $\pm 7\%$ .

<sup>12</sup> The margin of error for this particular result, to a 95% confidence level, is  $\pm 4\%$ .

<sup>13</sup> The margin of error for this particular result, to a 95% confidence level, is  $\pm 7\%$ .

