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TESTIMONY ON 14-H 7767, RELATING TO VOTER ID

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The ACLU strongly supports H-7767, which would repeal the Voter ID law that took effect for the first time in 2012. We believe that passage of the law was a step backward in the long and continuing struggle for voting equality. We recognize that, in light of differing opinions on the subject, there has been discussion since last year about adopting a compromise law before more stringent photo ID requirements take effect for this year's elections. While we would welcome a true freeze of the 2012 requirements, as an interim measure in order to allow further investigation into the impact of voter ID on the rights of the electorate, we believe outright repeal of the law is the best solution.

Leaving aside the many policy arguments for repealing the voter ID law, it is important to note the practical argument as well: although no person in Rhode Island in recent memory has been charged with voter impersonation fraud, the implementation of the voter ID law clearly impacted the legitimate voting rights of some residents.

A number of voter ID proponents, in pushing for passage of voter ID, claimed that residents were sure to have one of the acceptable forms of required identification under the law, the Secretary of State's office had to issue over 900 free voter identification cards in 2012.¹ But this did not eliminate the problem of voters arriving at the polls without identification. In fact, for the 2012 election season, the Secretary of State's office reported that 190 voters requested provisional ballots solely because they lacked an acceptable form of voter identification.²

Anecdotal evidence we received during those elections confirms, we submit, the problems with implementing voter ID without there being any corresponding benefit. To give just a few examples:

* In Smithfield during the primary election, an ACLU poll monitor witnessed one voter turned away for lack of identification.³ Because she arrived shortly before the polls closed, she did not return with acceptable ID and thus never got to vote.

* In Providence, a voter without ID was allowed to cast a provisional ballot, but was wrongly told he had to go to the Board of Canvassers the following day, with identification, in order to have his vote count.⁴

¹ Telephone conversation with Secretary of State's Office. November 16, 2012.

² E-mail communication with Chris Barnett, Secretary of State's Office. December 17, 2012.

³ Report of ACLU Poll Monitor – Smithfield High School, Smithfield. September 11, 2012.

⁴ Complaint filed with RI ACLU – Summit Nursing Center polling place, Providence. September 11, 2012.

* In Warwick, a voter was turned away not because he did not have identification, but because he refused to present it.⁵ This voter was denied a provisional ballot, and wrongly told that such ballots were available only to those *unable* to present identification.

* An elderly Hispanic voter, suffering with a broken foot, was disenfranchised in Providence when poll workers told him that his Rhode Island driver's license was not a valid form of identification because the address did not match his address on the voter rolls.⁶ The 2012 poll worker manual specified that the address on photo identification was not required to match the address on file in the voter rolls. He was not given a provisional ballot, and so returned home to obtain proof of his residency. However, it was learned in follow-up contact with this resident that, suffering from continued pain related to his fractured foot, he was unable to return to the polling place and never cast his vote.

Anecdotal evidence from other advocacy organizations and individuals indicates voters ran into similar problems elsewhere as well. Phone bank volunteers reported voters turned away for lack of identification and not offered provisional ballots.⁷

Considering the absence of any prosecutions in recent memory for voter identification fraud in Rhode Island, we believe it is fair to say that, in light of the incidents of voters without ID being denied provisional ballots, voter ID created more issues than it solved. What also cannot be documented is the number of voters who, because of voter ID, did not even attempt to cast their vote. These problems will only increase if the stricter provisions contained in the law – allowing only certain designated forms of *photo* ID – are enforced in September.

However it is implemented, it is clear that voter ID requirements have a disproportionate and unfair impact on the poor, racial and ethnic minorities, senior citizens and voters with disabilities. It is further worth noting that, over the years, the most consistent cries of voting misconduct in Rhode Island have arisen in the context of absentee ballots, something that is not in any way addressed by a polling place ID requirement. Instead, the new law has erected a completely unnecessary barrier to voting, and should be repealed before it becomes even more stringent in the upcoming elections.

⁵ Complaint filed with RI ACLU – Warwick. September 11, 2012.

⁶ Report of ACLU Poll Monitor – Dominica Manor polling place, Providence. September 11, 2012.

⁷ Complaint filed with Common Cause RI. September 11, 2012.