



Testimony of Denise Lieberman, Senior Attorney & Missouri Voter Protection Advocate for Advancement Project¹, in Opposition to HJR 64

Feb. 16, 2010
Before the House Elections Committee

All eligible voters in Missouri have a right to cast a ballot and have their ballot counted. Unfortunately, HJR 64 - the measure under consideration today – does nothing to advance the integrity of our elections and stands to disenfranchise more than 200,000 eligible Missouri voters – particularly the poor, the elderly, people with disabilities and people of color. We should not alter our constitution this way.

HJR 64 represents the legislature’s fourth attempt to impose an unnecessary and unduly restrictive photo identification law for voting. Touted on the guise of addressing phantom and non-existent voter fraud, this needless measure would have us change our very constitution to require voters to produce a specific kind of state or federally-issued current photo ID at the polls before being allowed to cast a ballot. It would not allow voters to produce a college identification card, a driver’s license from another state, a voter identification card, a bank statement, utility bill, or other forms of identification that can effectively verify that voters are who they say they are on Election Day – as Missouri law already requires. Eligible, registered voters will be turned away, even if they have means to verify their identity at the polls.

As a civil rights lawyer with expertise in voting and constitutional law, I know the importance that our state constitution gives to equality under law and the fundamental right to vote. As a coordinator of nonpartisan election monitoring in Missouri during the 2000, 2004, 2006 and 2008 elections, I have personally witnessed the high cost to our democracy when eligible voters are not allowed to cast a ballot or have their vote counted. I have witnessed the disproportionate impact of restrictive ID practices on poor and minorities, leaving them without a voice in their government.

The right to vote is “at the core of Missouri's constitution”² and should be altered in only the most compelling of circumstances. None exist here. Missouri law already requires voters to show identification before casting a ballot, and there has not be a single case of voter impersonation fraud in Missouri. Study after study shows such fraud to be virtually non-existent nationwide. But the research is equally clear that this measure would disenfranchise hundreds of thousands of our most vulnerable citizens. You have an obligation to protect these citizens, and accordingly, must vote NO on HJR 64.

¹ Advancement Project is a non-partisan, national civil rights and racial justice action organization with a Voter Protection Program in Missouri. Through this program Advancement Project partners with local leaders, individuals, election officials, organizations, and coalitions to work toward eliminating legal and structural barriers to voting in low income and communities of color through advocacy, public education and litigation.

² *Weinschenk v. State*, 203 S.W.3d 201 (Mo. 2006)

Research has shown time and time again that substantial numbers of eligible voters stand to be disenfranchised by this measure. Analysis from the Secretary of State last year concluded that a measure identical to HJR 64 could disenfranchise up to 230,000 registered Missouri voters who don't have the kind of photo ID required. Even if ID is provided without cost to those who cannot afford one, the underlying documents needed to procure the ID are not cost-free, and can be difficult - sometimes impossible - to obtain. To get an ID, voters must first present documents such as a birth certificate to prove identity, citizenship, and place of residence. In some instances, voters must present a social security card, proof of residence, court documents or marriage and divorce records if names have changed. Studies show that some 20 million people nationwide – and 230,000 here in Missouri – lack or can't get the required ID. That's why the Missouri Supreme Court in 2006 concluded that a similar statutory photo ID requirement was unconstitutional, finding that it posed a "a heavy and substantial burden on Missourians' free exercise of the right of suffrage." The Missouri Supreme Court explained:

[I]n addition to the monetary costs imposed on persons seeking to obtain the proper photo ID, the process to do so imposes additional practical costs, including navigating state and/or federal bureaucracies, and travel to and from the Department of Revenue and other government agencies. One of these practical costs is the time it takes to receive the appropriate documentation. In Missouri, the waiting period for a birth certificate alone is six to eight weeks. In Louisiana, the birthplace of many Katrina refugees who have taken shelter in Missouri, the processing period is eight to ten weeks. Should citizens need additional documents, the bureaucratic hurdles and waiting periods would increase.³

HJR 64 especially burdens minorities, the poor, the elderly and people with disabilities. The Brennan Center for Justice at New York University School of Law found as many as 11 percent of United States citizens – more than 21 million individuals – do not have government-issued photo identification.⁴ African Americans are more than twice as likely to lack adequate ID - 25 percent of African-American voting-age citizens – more than 5.5 million people – have no current government-issued photo ID.⁵ At least 15 percent of voting-age citizens earning less than \$35,000 per year do not have a valid government-issued photo ID.⁶ And 18 percent of American citizens age 65 and above – or more than 6 million seniors – do not have current government-issued photo ID.⁷

These are the Missourians who will be disenfranchised by HJR 64. Do not relegate them to second-class citizenship. You have responsibility to protect the rights of all citizens, not just those with state ID.

These hurdles are real. That's why the Missouri Supreme Court agreed that for "qualified voters, including the poor, elderly and disabled, these hurdles to obtaining the proper photo ID are not insignificant," finding "these concerns real rather than speculative."⁸ No Missourian should be deprived of the right to vote because a government bureaucracy will not provide them a copy of their birth certificate.

3 *Weinschenk v. State*, 203 S.W.3d 201 (Mo. 2006)

4 Brennan Center for Justice at NYU School of Law, *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, <http://www.federalelectionreform.com/pdf/Citizens%20Without%20Proof.pdf>

5 *Id.*

6 *Id.*

7 *Id.*

8 *Weinschenk v. State*, 203 S.W.3d 201 (Mo. 2006)

I implore you to consider the many real Missourians who will face substantial burdens to obtaining ID under HJR 64, and will thus have their right to vote taken away: Voters who would be disenfranchised by HJR 64 include **Kathleen Weinschenk**, who has cerebral palsy and because of her disability is unable to make a consistent signature or mark—her signature would not match the signature on her voter registration record required by the Missouri law; **Maudie Mae Hughes** and **Lillie Lewis** of St. Louis, elderly African-American women born in Mississippi who can't get a Missouri photo ID required by the law because they cannot get a copy of their birth certificates from the State of Mississippi, which says it has no record of their births – because they cannot get a copy of their birth certificates, they wouldn't be able to obtain the necessary Missouri ID required under the law; **Amanda Mullaney**, born in Kentucky to unwed parents and whose name does not match the name on her birth certificate; and the late **Judge Charles Blackmar**, one judges sitting on the Missouri Supreme Court for the 2006 photo ID challenge, learned that he would not be able to cast a regular ballot because, at 84 years old, he no longer drove a car and had allowed his driver's license to expire.

Please refuse this needless political ploy to play on phantom fears of voter fraud to justify disenfranchising the most vulnerable among us. Missouri law already requires voters to show ID at the polls. The Missouri Constitution “establish[es] with unmistakable clarity that the right to vote is fundamental to Missouri citizens.” HJR 64 take this away for potentially hundreds of thousands of Missourians, especially burdening the poor, minorities, the elderly and people with disabilities. Elections cannot be fair if eligible voters are not allowed to vote. As elected officials, you have the responsibility to protect the voting rights of all citizens, not just those who have a state ID.

Accordingly, I urge you to vote NO on HJR 64.

Respectfully Submitted,



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