

Appendix B:

Fast Facts on the Impact of Photo ID: The Data

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- We now know that Indiana's law has actually disenfranchised real citizens. In contrast, no party or *amicus* cited even one case of impersonation at the polls in Indiana to the Supreme Court. In fact, more real Hoosiers have been disenfranchised by the law in the last two years than the number of reported cases of impersonation at the polls cited to the Supreme Court — from anywhere in the country — in the last two decades.ⁱ

Actual elections

- For example, in limited-turnout local elections in one Indiana county (Marion) in 2007, 32 voters cast ballots that could not be counted because of the voter ID law.ⁱⁱ Moreover, these were long-time voters: 14 of them had previously voted in at least 10 elections.ⁱⁱⁱ
- Similarly, in limited turnout local elections in 2007 in Georgia — the only other state that requires photo ID at the polls to vote a valid ballot — 33 voters' ballots were rejected because of the ID law.^{iv} In the 2008 presidential primary, the number grew to hundreds (254).^v It is impossible to know how many other voters without ID came to the polls but did not cast provisional ballots (which wouldn't have counted anyway), or how many declined to make the trip to the polls in the first place (which would have been futile).

Surveys of registered voters

- Researchers have also surveyed voters to assess the impact of photo ID laws on the electorate. A 2007 academic study found that **13.3%** of registered Indiana voters ($\pm 3.1\%$) did not have a current government-issued photo ID card.^{vi} The same study found that:
 - 18.1% of black registered voters (compared to 11.5% of white voters)
 - 20.3% of registered voters 18-34 (compared to 9.4% of voters 55-69)
 - 16.4% of registered voters over 69 (compared to 9.4% of voters 55-69)
 - 16.7% of voters without a college degree (compared to 7.9% of voters with a degree)
 - 17.5% of voters earning < \$40,000/ year (compared to 11-12% of others)

in Indiana did not have a current government-issued photo ID card. All of these differences were statistically significant.

- These same academic researchers also conducted an exit poll study based on the 2006 elections in three counties in California, New Mexico, and Washington.^{vii} Surveying actual midterm voters, the researchers found that **12%** of actual voters reported that they did not have a valid state driver's license. The same study found that:
 - Nonwhite voters were 9.8% less likely to have a valid license than white voters
 - Voters over 65 were 8.1% less likely to have a valid license than younger voters
 - Voters with no high school diploma were 5.6% less likely to have a valid license than voters with a graduate degree, and
 - Voters making less than \$20,000 per year were 4.0% less likely to have a driver's license than voters making more than \$100,000.
- In 2008, the Executive Director of the Carter-Baker Commission released a study of registered voters in Indiana, Maryland, and Mississippi.^{viii} The study found that 1.2% of registered voters had no government-issued photo ID; it did not ask whether the ID in question was current. Even this modest result amounts to an impact reaching more than **two million** registered voters if applied nationwide.^{ix} The same study found that 2.2% of black registered voters (compared to 0.9% of white voters) lacked government-issued photo ID, though that difference was not statistically significant, given the small sample size.

Surveys of eligible voters

- Researchers have also surveyed eligible voters, including registered and non-registered voting age citizens. A 2006 national survey by an independent survey firm, and sponsored by the Brennan Center, found that **11%** of voting-age citizens ($\pm 2\%$) did not have current government-issued photo ID.^x The same study found that:
 - 18% of citizens 65 and above
 - 25% of black voting-age citizens (compared to 8% of white citizens)
 - 16% of Hispanic voting-age citizens (compared to 8% of white citizens)
 - 20% of nonwhite voting-age citizens (compared to 8% of white citizens), and
 - 15% of citizens earning < \$35,000/year (compared to 7% of others)did not have a current government-issued photo ID card. All of these differences, except for the Hispanic citizens alone, were statistically significant.
- The 2007 academic study of Hoosiers was cited above with respect to registered voters, but it also surveyed voting-age citizens in Indiana, both registered and not. That study found that approximately **16.1%** of voting-age Indiana citizens did not have a current government-issued photo ID card.^{xi} That same study found that 26.6% of black voting-age citizens had no current government-issued photo ID card, compared to 13.6% of white voting-age citizens.

Estimates using government records

- Private researchers and government entities have also tried to quantify the number of their voting-age citizens without government-issued photo ID, usually by comparing census tabulations to motor vehicle records. The 2005 Carter-Baker Commission, for example, estimated that **12%** of voting-age Americans do not have a driver's license.^{xii} Research collected by its predecessor, the 2001 Carter-Ford Commission, showed that 5-10% of voting-age Americans had neither driver's licenses nor other state-issued photo ID.^{xiii}
- A 2005 study by researchers at the University of Wisconsin-Milwaukee estimated that approximately **20%** of Wisconsin voting-age residents did not have a driver's license or state-issued photo ID.^{xiv} The same study also found that, of Wisconsin residents:
 - 23% of residents 65 and above
 - 52% of nonwhite residents 18+ (compared to 17% of white residents)
 - 78% of black men 18-24 (compared to 36% of white men 18-24)
 - 63% of Hispanic women 18-24 (compared to 25% of white women 18-24)did not have a driver's license or state-issued photo ID.
- The Georgia chapter of the AARP has estimated that about 153,000 Georgians older than 60 who voted in 2004 do not have government-issued photo ID. It has also estimated that 36 percent of Georgians over age 75 do not have a driver's license.^{xv}
- Several states have also tried to quantify the number of their registered voters without photo ID, usually by comparing registration lists to motor vehicle records. Such methods have been critiqued, particularly when either motor vehicle records or registration lists are substantially outdated, reflecting individuals who have died or moved out of state.
 - In 2006, the Michigan Secretary of State estimated that about 370,000 (5%) of the state's registered voters had no driver's license or state-issued photo ID.^{xvi}
 - The Missouri Department of Revenue estimated that 169,215 registered Missouri voters did not have the required photo ID in that state; the Secretary of State estimated that approximately 240,000 registered voters did not have the right ID.^{xvii}
 - In Georgia, estimates have ranged from 198,000 registered voters to 676,246 registered voters without driver's licenses or state-issued photo ID,^{xviii} but both estimates have been heavily criticized.

Studies of turnout

- Another set of studies tries to estimate the impact of restrictive ID laws on voter turnout, by analyzing past voting patterns and trying to extrapolate the degree of change in any given election based on the ID laws.^{xix} These studies' methods vary, and there are substantial differences in the results, and substantial disputes about the validity of each approach. Only a few studies analyze data from 2006, the first federal election in which a photo identification law was actually in place.^{xx} Moreover, even these studies are constrained by the limited pool of data, because only a few elections have taken place under the new restrictive laws.

Studies of voter attitudes

- On the other side of the coin, some seek to justify restrictive ID laws, despite their demonstrated impact on American citizens, by claiming that they will increase public confidence in the election process. A careful new study, forthcoming in the *Harvard Law Review*, casts serious doubt on the validity of such assertions. The data show no support for the notion that requiring identification will increase voter confidence; the study found no statistically significant correlation between the rate at which citizens were asked to produce photo ID and their perception that either voter fraud generally, or voter impersonation in particular, exists.^{xxi} That is, there appears to be no empirical confirmation thus far that photo ID laws make citizens feel more secure about their elections.

ⁱ See Justin Levitt, Analysis of Alleged Fraud in Briefs Supporting Crawford Respondents (2007), at <http://www.truthaboutfraud.org/pdf/CrawfordAllegations.pdf>.

ⁱⁱ Brief for Respondent Marion County Election Board at 8-9, *Crawford v. Marion County Election Board*, Nos. 07-21, 07-25 (U.S. Dec. 3, 2007).

ⁱⁱⁱ *Id.* at 9-10.

^{iv} Shannon McCaffrey, *Votes of Some Who Lacked Photo ID in November Didn't Count*, THE LEDGER-ENQUIRER (Columbus, Ga.), Jan. 29, 2008.

^v Robert A. Simms, Ga. Deputy Sec'y of State, Testimony Before the U.S. Senate Comm. on Rules and Admin.: In-Person Voter Fraud: Myth and Trigger for Disenfranchisement? 5, Mar. 12, 2008; see also Shannon McCaffrey, *More Than 400 Voters Lacked Photo IDs in Feb. 5 Primary*, THE LEDGER-ENQUIRER (Columbus, Ga.), Feb. 14, 2008 (reporting 296 voters without ID casting provisional ballots that were not counted).

^{vi} Matt A. Barreto *et al.*, The Disproportionate Impact of Indiana Voter ID Requirements on the Electorate (2007), available at http://depts.washington.edu/uwiser/documents/Indiana_voter.pdf.

^{vii} Matt A. Barreto *et al.*, Voter ID Requirements and the Disenfranchisement of Latino, Black and Asian Voters (2007), available at http://www.brennancenter.org/dynamic/subpages/download_file_50884.pdf.

^{viii} Dr. Robert Pastor *et al.*, Voter IDs Are Not the Problem: A Survey of Three States (2008), available at <http://www.american.edu/ia/cdem/pdfs/VoterIDFinalReport1-9-08.pdf>.

^{ix} See Pastor, *supra note Error! Bookmark not defined.*, at 8 (concluding that approximately 1.2% of registered voters in the selected states had no government-issued photo identification); U.S. Election Assistance Comm'n, The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2005-2006, at 8 (2007), available at http://www.eac.gov/clearinghouse/docs/the-impact-of-the-national-voter-registration-act-on-federal-elections-2005-2006/attachment_download/file (reporting at least 172,810,006 registered voters as of the 2006 general election).

^x See Brennan Center for Justice, Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification 3 (2006), available at http://www.brennancenter.org/dynamic/subpages/download_file_39242.pdf.

^{xi} Matt A. Barreto *et al.*, The Disproportionate Impact of Indiana Voter ID Requirements on the Electorate (2007), available at http://depts.washington.edu/uwiser/documents/Indiana_voter.pdf.

^{xii} Commission on Federal Election Reform, *Building Confidence in U.S. Elections* 73 n.22 (Sept. 2005).

^{xiii} See John Mark Hansen, Coordinator, Task Force on the Federal Election System, *Report*, at VI-4 in *Task Force Reports to Accompany the Report of the National Commission on Election Reform* (Aug. 2001); National Commission on Election Reform, *To Assure Pride and Confidence in the Electoral Process*, at 32 (Aug. 2001) (“5-7% of adults do not possess a driver’s license or other photo identification, and are disproportionately poor and urban”) [*hereinafter* “Ford-Carter Report”].

^{xiv} John Pawasarat, *The Driver License Status of the Voting Age Population in Wisconsin* 21-22 (June 2005), available at <http://www.uwm.edu/Dept/ETI/barriers/DriversLicense.pdf>.

^{xv} See Deanna Wrenn, *Three States Debate Requiring Voters to Show ID*, VENTURA COUNTY STAR, Mar. 31, 2005, at 6; Carlos Campos, *Photo ID Bus Gets Little Use*, ATLANTA J.-CONST., Dec. 19, 2005; Nancy Badertscher, *State Bus Will Roll for Voter IDs*, ATLANTA J.-CONST., Aug. 9, 2005; Sonji Jacobs, *Cox Lashes Out at Photo ID Plans*, ATLANTA J.-CONST., Mar. 19, 2005.

^{xvi} Dawson Bell, *Court Jumps Into Dispute Over Voter ID Checks*, DETROIT FREE-PRESS, Apr. 27, 2006.

^{xvii} *Weinschenk v. Missouri*, 203 S.W.3d 201, 206 (Mo. 2006).

^{xviii} Sonji Jacobs & Megan Clarke, *No ID? Votes Cast Can Become Castoffs*, ATLANTA J.-CONST., Nov. 2, 2007; Nancy Badertscher, *22 Percent of Elderly Voters Lack Proper ID*, ATLANTA J.-CONST., June 24, 2006; *see also* M.V. Hood III & Charles S. Bullock, III, *Worth a Thousand Words?* (April 2007) (unpublished manuscript), at http://www.brennancenter.org/dynamic/subpages/download_file_50886.pdf (reviewing an estimate that 305,074 registered voters have no valid driver's license or state-issued photo ID card, and finding disproportionate impact on racial minorities and elderly voters).

^{xix} *See generally* Brief of R. Michael Alvarez *et al.* as Amici Curiae in Support of Petitioners, at 10-14, *Crawford v. Marion County Election Board*, Nos. 07-21, 07-25 (U.S. Nov. 13, 2007); *see also* Jeffrey Milyo, *The Effects of Photographic Identification [sic] on Voter Turnout in Indiana: A County-Level Analysis* (Inst. of Pub. Pol'y, Univ. of Mo., Report 10-2007, 2007).

^{xx} R. Michael Alvarez *et al.*, *The Effect of Voter Identification Laws on Turnout* (Caltech Soc. Sci. Working Paper No. 1267, 2007), at http://www.brennancenter.org/dynamic/subpages/download_file_50882.pdf; Jason D. Mycoff *et al.*, *The Effect of Voter Identification Laws on Aggregate and Individual Level Turnout* (2007) (unpublished manuscript), at http://www.brennancenter.org/dynamic/subpages/download_file_50900.pdf; Jeffrey Milyo, *The Effects of Photographic Identification [sic] on Voter Turnout in Indiana: A County-Level Analysis* (Inst. of Pub. Pol'y, Univ. of Mo., Report 10-2007, 2007).

^{xxi} Stephen Ansolabehere & Nathaniel Persily, *Vote Fraud in the Eye of the Beholder* 19-22 (Columbia Law Sch. Pub. Law & Legal Theory Working Paper Group, Paper No. 08-170, 2008), *available at* <http://ssrn.com/abstract=1099056> (forthcoming HARV. L. REV. 2008). This research also reveals no support for the notion that the potential for in-person impersonation fraud will cause voters to refrain from voting. The study found no statistically significant correlation between the perception that impersonation fraud exists and the propensity to turn out to vote. *Id.* at 16-18.