109TH CONGRESS 2d Session | HOUSE OF REPRESENTATIVES | REPORT 109–666

FEDERAL ELECTION INTEGRITY ACT OF 2006

SEPTEMBER 19, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. EHLERS, from the Committee on House Administration, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4844]

The Committee on House Administration, to whom was referred the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Election Integrity Act of 2006" .

SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.

(a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION AS CONDITION OF RECEIVING BALLOT.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)) is amended—

(1) in the heading, by striking "FOR VOTERS WHO REGISTER BY MAIL" and inserting "FOR PROVIDING PHOTO IDENTIFICATION"; and

(2) by striking paragraphs (1) through (3) and inserting the following:

"(1) INDIVIDUALS VOTING IN PERSON.—

"(A) REQUIREMENT TO PROVIDE IDENTIFICATION.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not provide a ballot for an election for Federal office to an individual who desires to vote in person unless the individual presents to the official—

"(i) a government-issued, current, and valid photo identification; or

"(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

"(B) AVAILABILITY OF PROVISIONAL BALLOT.—If an individual does not present the identification required under subparagraph (A), the individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a), except that the appropriate State or local election official may not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in the election unless the individual presents the identification required under subparagraph (A) to the official not later than 48 hours after casting the provisional ballot.

"(2) INDIVIDUALS VOTING OTHER THAN IN PERSON.—

"(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not accept any ballot for an election for Federal office provided by an individual who votes other than in person unless the individual submits with the ballot—

"(i) a copy of a government-issued, current, and valid photo identification; or

"(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a copy of a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

"(B) EXCEPTION FOR OVERSEAS MILITARY VOTERS.—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved. In this subparagraph, the term 'absent uniformed services voter' has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6(1)), other than an individual described in section 107(1)(C) of such Act.

"(3) SPECIFIC REQUIREMENTS FOR IDENTIFICATIONS.—For purposes of paragraphs (1) and (2)—

"(A) an identification is 'government-issued' if it is issued by the Federal Government or by the government of a State; and

"(B) an identification is one for which an individual was required to provide proof of United States citizenship as a condition for issuance if the identification displays an official marking or other indication that the individual is a United States citizen.".

(b) CONFORMING AMENDMENTS.—Section 303 of such Act (42 U.S.C. 15483) is amended—

(1) in the heading, by striking "FOR VOTERS WHO REGISTER BY MAIL" and inserting "FOR PROVIDING PHOTO IDENTIFICATION"; and

(2) in subsection (c), by striking "subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)" and inserting "subsection (a)(5)(A)(i)(II)".

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to section 303 to read as follows:

"Sec. 303. Computerized statewide voter registration list requirements and requirements for providing photo identification.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.

(2) CONFORMING AMENDMENT.—Section 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is amended to read as follows:

"(2) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION.—Paragraphs (1) and (2) of subsection (b) shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.".

SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.

(a) REQUIRING STATES TO MAKE IDENTIFICATION AVAILABLE.—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by section 2(a)(2), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) MAKING PHOTO IDENTIFICATIONS AVAILABLE.—

"(A) IN GENERAL.—During fiscal year 2008 and each succeeding fiscal year, each State shall establish a program to provide photo identifications which may be used to meet the requirements of paragraphs (1) and (2) by individuals who desire to vote in elections held in the State but who do not otherwise possess a government-issued photo identification.

"(B) IDENTIFICATIONS PROVIDED AT NO COST TO INDIGENT INDIVIDUALS.—If a State charges an individual a fee for providing a photo identification under the program established under subparagraph (A)—

"(i) the fee charged may not exceed the reasonable cost to the State of providing the identification to the individual; and

"(ii) the State may not charge a fee to any individual who provides an attestation that the individual is unable to afford the fee.

"(C) IDENTIFICATIONS NOT TO BE USED FOR OTHER PURPOSES.—Any photo identification provided under the program established under subparagraph (A) may not serve as a government-issued photo identification for purposes of any program or function of a State or local government other than the administration of elections.".

(b) PAYMENTS TO STATES TO COVER COSTS.—Subtitle D of title II of such Act (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

"PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

"SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PROVIDING PHOTO IDENTIFICATIONS FOR VOTING TO INDIGENT INDIVIDUALS.

"(a) PAYMENTS TO STATES.—The Commission shall make payments to States to cover the costs incurred in providing photo identifications under the program established under section 303(b)(4) to individuals who are unable to afford the fee that would otherwise be charged under the program.

"(b) AMOUNT OF PAYMENT.—The amount of the payment made to a State under this part for any year shall be equal to the amount of fees which would have been collected by the State during the year under the program established under section 303(b)(4) but for the application of section 303(b)(4)(B)(ii), as determined on the basis of information furnished to the Commission by the State at such time and in such form as the Commission may require.

"SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for payments under this part such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.".

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the item relating to subtitle D of title II the following:

"PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

"Sec. 297. Payments to cover costs to States of providing photo identifications for voting to indigent individuals.
"Sec. 297A. Authorization of appropriations.".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect October 1, 2007.

Amend the title so as to read:

A bill to amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.

H.R. 4844–FEDERAL ELECTION INTEGRITY ACT OF 2006

PURPOSE OF LEGISLATION

The purpose of H.R. 4844, the Federal Election Integrity Act of 2006 is to protect the franchise and reduce the opportunities for, and incidence of, vote fraud. Requiring those exercising the right to vote to properly identify themselves is a basic and necessary step to preserve the integrity of the voting process. Presenting photo identification when voting provides a simple and effective method for election officials to confirm identity and eligibility. It

will deter fraud and reduce the incidence of double voting and voting in the name of another. Most states do not currently require a photo identification to vote in federal elections.[1] The absence of this basic protection in so many states leaves our elections susceptible to fraud. H.R. 4844 seeks to address this problem by requiring all persons casting ballots in elections for Federal office to present a current and valid government issued photo identification.

Since the enactment of the Help America Vote Act of 2002[2] (HAVA) election officials have strived to create an election system that expands access for all eligible voters and protects the integrity of the ballot. HAVA imposed an identification requirement, but limited it to first time voters who register by mail. The clear intent of this provision was to ensure that people who did not register in person would at some point be obligated to demonstrate, before voting, that they are in fact a real live human being who is eligible to vote.[3] This demonstration could be made by production of any one of a number of different forms of identification or documentation that would show who the person was, or production of information that would allow an election official to verify identity.[4] Important as it is, this provision still imposes no identification requirement whatsoever on most voters. Even more problematic, some states have interpreted it to not apply to registrations that are hand delivered instead of being mailed, thereby continuing to allow votes to be cast by persons who have never presented themselves in person or provided any identification or documentation necessary to confirm eligibility. Testimony of Dan Bryant in Las Cruces revealed this is the practice in New Mexico.

The vast majority of the voting public is already in possession of the ID that will be required under the legislation for the general election in November 2008.[5] For the small percentage of the voting public not currently in possession of the necessary ID, the bill gives

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[1] Only six States, Florida, Indiana, Missouri, Hawaii, Louisiana and South Dakota, require individuals to show photo identification before casting a ballot while 18 other States require a photo or some other acceptable form of identification to be shown at the polls in all elections. The remaining 26 states only require an identification to be presented for first time voters who register by mail. Of the 26 States, Kansas and Pennsylvania require photo and non-photo identification for all first time voters, not just the ones that had registered by mail. *See* electionline.org, available at *http://www.electionline.org/Default.aspx?tabid=364.*

[2] Pub. L. No. 107–252, 116 Stat. 1666, 42 U.S.C. 15301 to 15545 (2002).

[3] During the HAVA debate, Senator Kit Bond famously advised members of a dog that had been on the voter rolls for several years under the name Ritzy Mekler. Senator Bond, presented Ritzy Mekler's voter registration information to demonstrate how lax registration requirements can allow even non-persons to register and vote. *See* floor statement February 26, 2002. a

[4] Pursuant to section 303(b)(2) of HAVA, only those first-time voters registering by mail are required to present one of the following forms of identification before casting a ballot: (1) current and valid photo identification, (2) current utility bill, (3) current bank statement, (4) government check, (5) paycheck, (6) other government document that shows the name and address of the vote. Individuals who register to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submit with his or her registration either a driver's license number or at least the last 4 digits of their social security number are exempt from the requirement to provide one of the 6 forms of acceptable HAVA identification at the polls. *See* Section 303(b)(3)(B)(1).

[5] *See* "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 1995–1996," Federal Elections Commission, page 5–6 (stating approximately 87 percent of persons 18 years and older have acquired a driver's license); *see also* Report of the Commission on Federal Election Reform Building Confidence in U.S. Elections, September 2005, FN 22 citing a U.S. Department of Transportation study: "A comparison of driver's license records and census data for 2003 suggests that about 88 percent of Americans aged 18 and over have a driver's license, see U.S. Department of Transportation, Federal Highway Administration, Licensed Total Drivers, By Age, 2003, Table DL–22, Oct. 2004, at *www.fhwa.dot.gov/policy/ohim/hs03/htm/dl22.htm*, and U.S. Census Bureau, Annual Estimates of the Population by Selected Age Groups and Sex for the United States: April 1, 2000 to July 1, 2004, (June 2005), available at *www.census.gov/popest/national/asrh/NC–EST2004–sa.html*.

them two full years to acquire it. It obligates states to set up programs to distribute ID's to those who need them, and requires that they be given free to those who cannot afford them. Federal funds are authorized to reimburse states for the cost of distributing these free ID's.

Commencing in 2010 and for all elections thereafter, voters will be required to present an ID that they could not have obtained without proving that they are citizens. The Congress has already determined, by its passage of the REAL ID Act of 2005[6] that States must verify the legal status of applicants before issuing an ID to them. REAL ID compliant identification will be required if citizens want to use the ID for any of a number of defined Federal purposes such as boarding an airplane or entering a government building.[7] The implementation deadline for the REAL ID Act is May 11, 2008. H.R. 4844 intends that citizens will be able to use their newly acquired REAL ID's to vote in elections beginning 2010. As non-citizens will be able to acquire REAL ID's, H.R. 4844 requires the ID contain some marking or other indicia that will show the bearer is a citizen. Individuals who arrive at the polls without the required identification will be permitted to cast a provisional ballot, which can be counted if the individual presents the appropriate election official with a qualifying identification within 48 hours.

Requiring photo identification for voting has been endorsed by a high profile bi-partisan election reform Commission. The Carter-Baker Commission on Federal Election Reform, in its report "Building Confidence in U.S. Elections" recommended a national standard for voter identification based on the REAL ID card or an equivalent for people without a driver's license to enhance ballot security. The Commission recommendation for a uniform identification requirement was motivated by a concern that differing requirements from state-to-state (or even voter-to-voter) could impede voting by unequal or discriminatory application of varied requirements. The Commission reasoned that the use of REAL ID cards for voting purposes could eliminate voting impediments and ensure fair and equal treatment to all voters.

A single, uniform ID requirement will reduce the incidence of selective or discriminatory application. It will actually guard against discriminatory practices as those who possess the ID will be able to present it with confidence that it will prove their identity and eligibility. Civil rights leader Andrew Young has recognized the empowering nature of such an ID.[8] Former President Jimmy Cater

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[6] Pub. L. No. 109–13, 49 U.S.C. Section 30301.

[7] Division B-Real ID Act of 2005, Title II, Section 201 states REAL IDs are to be used not only for the purpose of operating a motor vehicle but for "accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine".

[8] In his editorial, Young stated in relevant part: "At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts, which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID. Why not enfranchise the 12 percent of Americans who don't have drivers' licenses or government-issued photo IDs?" Andrew Young, "Voter IDs Only Part of Elections Solution", ATLANTA JOURNAL-CONSTITUTION, September 30, 2005 at A15.

and Former Secretary of State James Baker also acknowledged the benefits of a uniform identification requirement.[9]

A Federally mandated photo identification requirement provides a basic and crucial protection against voter fraud. During hearings conducted by the Committee on House Administration, witnesses cited many instances of fraudulent registration and voting in our country.

Daniel A. Bryant, attorney for Otero County, New Mexico, testified in Las Cruces New Mexico about a woman named Vada Hart who had not voted for years, only to discover that someone had been voting in her name—thereby not only stealing her vote but also illegally negating the vote of an eligible citizen.[10] Other testimony presented to the Committee revealed that a registered voter in New Mexico was not permitted to cast a ballot in the 2004 elections because records showed that someone had already voted in his place.[11]

Votes cast in the name of deceased individuals across the country in federal and local elections demonstrate the need for a photo identification requirement. In Maryland, computer science students at Johns Hopkins University learned through their voter registration database research that Baltimore City's voter rolls revealed "1,500 dead people listed as active registered voters. Fifty of those dead people somehow voted in the [2004] election." After further investigation by the Baltimore City Paper, at least 26 of the 50 names reported were confirmed "dead voters". In Georgia, an audit of its voter registration rolls showed that 5,412 votes had been cast by deceased voters.[12] Another investigation on voting irregularities administered in Wisconsin by a joint Task Force comprised of the U.S. Attorney's Office, Milwaukee Police Department, Milwaukee County District Attorney's Office and the Federal Bureau of Investigation revealed over 300 accounts of illegal voting, which included more than 100 votes cast by individuals voting twice, individuals using false names and names of deceased individuals.[13] Also significant was evidence of 4,500 more votes cast in the City of Milwaukee than individuals recorded as voting.[14] The Milwaukee Journal Sentinel, in reporting the Task Force's findings, indicated that photo identification could have prevented some of the incidents of voter fraud that occurred.[15]

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[9] "Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommended a standard for the entire country, the Real ID card, the standardized driver's licenses mandated by federal law last May. With that law, a driver's license can double as a voting card. All but three of our 21 commission members accepted the proposal, in part because the choice was no longer whether to have voter IDs, but rather what kind of IDs voters should have." See Jimmy Carter and James A. Baker, "Voting Reform Is in the Cards", NEW YORK TIMES, at pg. A19

[10] Mr. Bryant presented a verified statement from Ms. Hart's son and daughter in-law attesting that she has not voted in any election since 1996 due to her physical and mental state. An investigative hearing on July 22, in Dona Ana Complex revealed that Ms. Hart's voter card showed that someone had voted in her name several times since 1996.

[11] Testimony of Patrick Rogers, Committee on House Administration, U.S. House of Representatives, Hearing on Non-Citizen voting, June 22, 2006 *http/cha.house.gov/hearings/testimony.aspx?TID-896*

[12] "Even Death Can't Stop Some Voters-Records: Illegally Cast Ballots Are Not Rare." THE ATLANTA JOURNAL CONSTITUTION, November 6, 2000.

[13] Greg J. Borowski "Inquiry Finds Evidence of Fraud in Election," MILWAUKEE JOURNAL SENTINEL, May 11, 2005, available at *http://www.wispolitics.com/1006/electionfraud.pdf.*

[14] Report of the Commission on Federal Election Reform Building Confidence in U.S. Elections at pg. 4 (citing Preliminary Findings of Joint Task Force Investigating Possible Election Fraud. May 10, 2005. Available at *http://www.wispolitics.com/1006/electionfraud.pdf.*)

[15] *Id.*

Most recently, evidence of illegal voting was discovered during the gubernatorial election and recount that occurred in the State of Washington between Christine Gregorie and Dino Rossi. In this case, there were many reports of fraudulent votes cast. For example, in King County, Washington, it was reported that at least eight people who died before the November elections in 2004 had cast ballots on Election Day for the Governor's race. Specifically, in the election contest that ensued, the Chelan County Superior Court determined there were a total of 1678 illegal votes cast in the 2004 general election.[16] The race was decided by a 133 vote margin. Judge Bridges determined that although the number of illegal votes cast in this race clearly exceeded the margin of victory, the results of the election could not have been set aside.[17]

Given the increasing number of non-citizens illegally residing in the country, illegal voting by non-citizens is further cause for concern. The non-citizen population in the United States is growing at an unprecedented rate. Census Bureau data shows that the nation's foreign-born or immigrant population (legal and illegal) reached 35 million in March of 2005. The data also indicate that the first half of this decade has been the highest five-year period of immigration in American history. The U.S. Census Bureau estimated 8.7 million illegal aliens were in the U.S. in 2000. Immigration officials estimate that the illegal alien population grows by as many as 500,000 every year. These non-citizen population growth rates increase the potential for non-citizens to exploit and manipulate the outcome of elections.

In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act was enacted, making it a federal crime for non-citizens to vote in any federal election. Enforcement of the statute is hampered by the difficulty involved in detecting violations. As no proof of citizenship is required prior to voting, violations by persons falsely presenting themselves as citizens can go unnoticed. Even when evidence of a violation presents itself, finding the perpetrators and gathering sufficient evidence to prosecute them is very difficult.

Despite the law that prohibits it, documented reports of non-citizen voting have increased. During the June 22, hearing before this Committee, Dan Stein, President of the Federation for American Immigration Reform, presented the following documented cases of illegal voting: (1) In the 2000 election, "election observers reported that a 'sizable number' of votes may have been cast by ineligible felons, illegal immigrants, and non-citizens" in Florida; (3) In Utah, Legislative Auditor General John Schaff said in a February 8, 2005 report to the President of the Utah Senate that more than 58,000 illegal immigrants had Utah drivers' licenses, nearly 400 of them used their license to register to vote in Utah, and a sampling of that group revealed at least 14 actually voted in an election; and (4) Hawaiian Election officials found 543 Oahu residents who were

[16] Of the total 1,687 illegal votes cast; 1,401 were cast by illegal felons, 19 votes were cast by deceased voters, 6 votes were cast by double voting, and 252 votes were cast by unregistered voters." *See generally*, Transcript Of Decision By Chelan County Superior Court Judge John Bridges, June 6, 2005.

[17] From the decision "The Court concludes further that no matter the number of illegal votes, whether they total 1,678, as determined by this Court, or 2,820, as argued by petitioners in their closing, this election may not be set aside merely because the number of illegal or invalid votes exceed the margin of victory, because the election contest statute requires the contestant to show that the illegal votes or misconduct changed the election's result." *Id.*

not U.S. citizens had registered to vote. Moreover, an investigation by the Immigration and Naturalization Service into alleged fraud in a 1996 Orange County, California congressional race revealed that non-citizens were registered to vote in the 46th Congressional District in the disputed election between Republican Robert Dornan and Democrat Loretta Sanchez. The Task Force established by the Committee on House Oversight found clear and convincing evidence that 748 invalid votes were cast in that election.[18] Further, state officials found that over 300 non-citizens illegally voted in that contest. These figures did not exceed the margin of victory, but they clearly demonstrate this problem is real and can impact the outcome in a close election.

Patrick Rogers, a New Mexico attorney, proffered compelling examples of illegal and fraudulent voting at the Committee's hearing on June 22, 2006. In support of this testimony, Mr. Rogers presented to the Committee the voter identification card of a woman holding a green card, who claimed she was pressured to register while standing in line to receive government services. Mr. Rogers also provided the Committee with several documented examples of illegal voting by non-citizens in the United States as follows:

> (1) In Maryland, a 2006 e-mail from a member of the Montgomery County Board of Elections in Montgomery County, Maryland was made public indicating he was going to register people to vote "regardless of status." (2) Donna Hope, a non-citizen immigrant from Barbados who resides in Philadelphia, was told by a representative of the voter registration group "Voting is Power," the voter mobilization arm of the Muslim American Society, that she could register to vote if she has been in the United States at least 7 years. Ms. Hope completed the registration form and was added to the voting rolls. In November of 2004, Ms. Hope did not vote because she was not a citizen, but someone illegally cast a ballot in her name. (3) In 1998, California Secretary of State Bill Jones referred to the INS claims by nearly 450 people called for jury duty in Orange County, California who claimed they were exempt from jury duty because they were non-citizens. The jury duty lists are pulled from driver's license and registered voter files.

The Committee's field briefing in Arizona also revealed accounts of voter fraud perpetrated by non-citizens. The Honorable Andrew Thomas, Maricopa County Attorney, advised the Committee of indictments of ten individuals who were non-citizens who nevertheless registered to vote. His testimony states in relevant part:

> They were charged with filing false documents, a class 6 felony. Maricopa County Recorder Helen Purcell referred these matters to the County Attorney's Office after her office received jury questionnaire forms from the county jury commissioner. These forms were filled out by potential jurors who claimed they were unable to serve on a jury because they were not citizens. The county recorder's office found that they had claimed to be citizens when they filled out a voter registration form. Four of these defendants voted in at least one election. In addition to the ten

[18] U.S. House of Representatives Report 105–416 "Dismissing the Election Contest Against Loretta Sanchez" 105th Congress 2d Session, February 12, 1998.

> charged defendants, the County Attorney is reviewing 149 other cases in which non-citizens have allegedly illegally registered to vote.
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> The county recorder has received inquiries from people seeking to become U.S. citizens who have been told by Immigration and Customs Enforcement to obtain a letter from her office confirming they have neither registered to vote nor voted. To date, a review of these matters has turned up 37 non-citizens who have registered to vote. Fifteen of these individuals have voted. And these numbers come from a relatively small universe of individuals—legal immigrants who seek to become citizens. These numbers do not tell us how many illegal immigrants have registered and voted.

The United States Department of Justice has also investigated and prosecuted several cases of non-citizen voting.[19] In Colorado, U.S. Attorneys convicted an individual of providing false information concerning U.S. citizenship for voter registration purposes.[20] In Alaska, a non-citizen was charged and found guilty of voting in the 2000, 2002 and 2004 elections in violation of 18 U.S.C. Section 611.[21] Additionally, 15 non-citizens were charged and 10 were convicted of voting in Federal elections conducted in counties located in South Florida.[22]

While these examples demonstrate the need for additional protections to ensure only citizens are voting, the facts also reveal that eligible citizens are able to prove their eligibility and are not dissuaded from voting if required to do so. States that have implemented an identification requirement for voting have experienced positive results. At the Committee's field briefing in Arizona, Secretary of State Jan Brewer discussed the effects of the newly enacted identification law known as Proposition 200. Under Proposition 200, all voters are required to present identification at the polls before casting a ballot and all new voter registration applications must be accompanied by sufficient proof of citizenship. While identification is required in all Arizona jurisdictions, 15 jurisdictions have successfully implemented a proof of citizenship requirement. Secretary Brewer testified that Arizona has experienced a 15.4 percent increase in voter registration since the requirements of Proposition 200 went into effect. Other studies recently conducted also demonstrate that implementation of anti-fraud measures can increase, not decrease, voter turnout.[23] Moreover, in more than 100 democracies across the world, voters routinely present

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[19] Election Fraud Prosecutions & Convictions Ballot Access & Voting Integrity Initiative, Criminal Division, Public Integrity Division, United States Department of Justice, October 2002–September 2005.

[20] *Id., United States* v. *Shah*, Case No. 04–CR–00458.

[21] *Id., United States* v. *Rogelio Mejorada-Lopez*, Case No. 05–CR–074.

[22] *Id., United States* v. *McKenzie*, Case No. 04–CR–60160; *United States* v. *Francois*, No. 04–CR–60159; *United States* v. *Exavier*, No. 04–CR–60161; *United States* v. *Lloyd Palmer*, No. 04–CR–60159; *United States* v. *Velrine Palmer*, No. 04–CR–60162; *United States* v. *Shivdayal*, No. 04–CR–60164; *United States* v. *Rickman*, No. 04–CR–20491; *United States* v. *Knight*, No. 04–CR–20490; *United States* v. *Sweeting*, No. 04–CR–20489; *United States* v. *Lubin*, No. 04–CR–60163; *United States* v. *Bennett*, No. 04–CR–14048; *United States* v. *O'Neil*, No. 04–CR–60165; *United States* v. *Torres-Perez*, No. 04–CR–14046; *United States* v. *Phillip*, No. 04–CR–80103; *United States* v. *Bain Knight*, No. 04–CR–14047.

[23] *See generally*, John R. Lott, Jr., "Evidence of Voter Fraud and the Impact that Regulations to Reduce Fraud Have on Voter Participation Rates." August 2006, available at *http://ssrn.com/abstract=925611*.

photo IDs in elections without any apprehension of being disenfranchised.[24]

Currently, state and local governments do not have any effective way to prevent non-citizens from registering to vote and voting. Section 303(b)(4)(A) of HAVA requires inclusion of a citizenship box on the National Voter Registration Form. When applying to register to vote, individuals must check the box affirming their citizenship. The law provides that registration forms that do not have the box checked should be rejected and returned to the individual. However, some states are not enforcing this requirement. Even in states that do enforce the citizenship requirement, it is still done on an honor system that relies on the truthful response of the registrant. While the present state of the law leaves the system open to abuse, H.R. 4844's identification and proof of citizenship requirement will ensure that only eligible citizens are voting.

While there may be disputes about the nature and extent of voter fraud, there can be no dispute that it occurs. In close elections, even a small amount of fraud can affect the outcome. More importantly, reports of fraud can cause people to lose confidence in the integrity of the system and thereby discourage participation. People must be encouraged to vote with confidence that their vote will be counted and will not be cancelled out by an illegal vote.

Furthermore, the very lack of any photo identification requirement in most states makes it difficult to accurately assess the size of the problem. Persons voting in the name of another may do so now without ever having to identify themselves, so their criminal acts can be committed without detection and with little fear of prosecution.

Showing proof of identification and citizenship is warranted and commonplace in today's society. Individuals are required to have photo identification to engage in routine activities such as boarding an airplane, entering a government building, purchasing cigarettes and cashing a check. Our voting system deserves at least as much protection as these other activities. H.R. 4844 offers these identification requirements to protect the fundamental right to vote, to build confidence in our voting system, encourage voter participation and ensure all individuals that when they cast a ballot, their vote will not be diluted by an illegal vote.

SUMMARY OF THE LEGISLATION

Section 1.—Short title: "Federal Election Integrity Act of 2006"

Section 2.—Requiring voters to provide photo identification

- Amends section 303(b) of the Help America Vote Act of 2002, (HAVA) by requiring voters to show a government-issued current and valid photo identification before casting a ballot for the 2008 general elections for Federal office.

Currently under HAVA, only first time voters who registered by mail are required to show one of seven acceptable forms of identification prior to voting. Section 2 amends the identification provi-

[24] Report of the Commission on Federal Election Reform, Building Confidence in U.S. Elections, at pg. 4. *See also*, FN 5 "The following democracies constitute some of the nearly 100 countries that utilize a national ID system: Belgium, Cost Rica, Germany, India, Italy, the Netherlands, Portugal, South Africa, and Spain. See Privacy.org, "dentity Cards: FAQ," August 24, 1996, available at *http://www.privacy.org/pi/activities/idcard/idcard—faq.html*".

sion contained in HAVA by requiring all voters to show identification, and making a current and valid government issued photo identification the only acceptable form.

- Amends section 303(b) of the Help America Vote Act of 2002, (HAVA) by requiring voters to show a current and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for issuance effective for the 2010 general elections for federal office and each subsequent Federal election. This provision further strengthens ballot security by adding a proof of citizenship requirement, and requiring that photo identification contain some indicia of citizenship. The REAL ID Act of 2005, (Pub. L. No. 109–13) will have to be implemented by States in May 2008. This provision allows voters to use the identification they will obtain through the REAL ID process to vote. Voters must show photo identification that affirms citizenship before casting a ballot at the polls for the 2010 federal elections and all subsequent federal elections. This identification requirement provides election officials with a mechanism to protect and secure the franchise of all United States citizens against ballots being cast illegally by non-citizens and other ineligible voters.
- Permits individuals that are unable to produce identification at the polls to cast a provisional ballot. In order for the provisional ballot to count, the voter must present qualifying identification to an election official within 48 hours of casting their provisional ballot.

This provision allows individuals who arrive at the polls without the required photo identification the opportunity to vote by provisional ballot. Presently, HAVA requires that states provide individuals with the opportunity to cast a provisional ballot if the voter believes he or she is registered and eligible to vote in their election district but their name does not appear on the voter rolls. This provision will ensure that no voter is disenfranchised or turned away at the polls on Election Day for failure to produce the necessary identification and allow their vote to count if they present to the appropriate election official the identification necessary to prove eligibility within 48 hours.

- Amends section 303(b) of the Help America Vote Act of 2002, (HAVA) by requiring individuals who do not vote in person to submit with the ballot for the 2008 general elections for Federal office a copy of a government-issued current, and valid photo identification. For the 2010 general elections for federal office and each subsequent election for Federal office, individuals who do not vote in person must submit with the ballot a copy of a government-issued current and valid photo identification that affirms citizenship.

This provision extends the same photo identification requirements to individuals that vote in person to individuals that vote by mail. The current law requires only first time voters who registered by mail to provide one of the seven forms of identification acceptable under HAVA with the ballot. This provision will ensure equal treatment to voters whether ballots are cast in-person or by mail.

- Provides an exemption for overseas military voters who qualify as absent uniformed service voters that are eligible to

cast absentee ballots by reason of active duty or service and are absent from the United States on Election Day.

This provision conforms to section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

Section 3.—Making photo identification available

- Requires states to establish a program to provide photo identification to individuals in accordance with the photo identification requirement contained in H.R. 4844. For those individuals who do not possess photo identification and cannot afford to obtain one, states will provide photo identification to them at no cost.

This provision ensures that all individuals have the opportunity to obtain the required government issued photo identification. First, it requires states to establish a program to provide government-issued photo identification to all individuals who do not possess photo identification that satisfies H.R. 4844. Second, it requires states to provide government-issued photo identification to all indigent individuals who do not possess or have means to obtain identification.

- Adds a new section to the Help America Vote Act of 2002, (HAVA) that requires the Election Assistance Commission to provide funding to cover state incurred costs for providing qualifying government-issued photo identification to indigent individuals. Authorizes federal funds to reimburse states for the cost of distributing the identifications.

COMMITTEE CONSIDERATION OF THE LEGISLATION

INTRODUCTION, REFERRAL, MARKUP, AND VOTES OF THE COMMITTEE

On March 2, 2006, Mr. Hyde introduced H.R. 4844, the "Federal Election Integrity Act of 2006," which was referred to the Committee on House Administration. The Committee on House Administration held a markup of H.R. 4844 on September 14, 2006. Members present: Mr. Ehlers, Mr. Mica, Mr. Doolittle, Mrs. Miller, Ms. Millender-McDonald, Mr. Brady, and Ms. Lofgren. The Committee favorably reported H.R. 4844 by a record vote of 4–3, with a quorum being present.

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following statements are made concerning the votes of the Committee on House Administration in its consideration of the bill, H.R. 4844.

MOTION TO REPORT THE BILL

The bill, H.R. 4844, as amended, was ordered favorably reported by a rollcall vote of 4 yeas to 3 nays (with a quorum being present). The vote was as follows:

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Mr. Ehlers	X			Ms. Millender-McDonald		X	
Mr. Ney				Mr. Brady		X	
Mr. Mica	X			Ms. Lofgren		X	
Mr. Doolittle	X						
Mr. Reynolds							
Mrs. Miller	X						

VOTE ON EHLERS AMENDMENT IN THE NATURE OF A SUBSTITUTE

A rollcall vote was conducted on the Chairman's amendment in the nature of a substitute. The amendment passed by a rollcall vote of 4 yeas to 3 nays. The vote was as follows:

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Mr. Ehlers	X			Ms. Millender-McDonald		X	
Mr. Ney				Mr. Brady		X	
Mr. Mica	X			Ms. Lofgren		X	
Mr. Doolittle	X						
Mr. Reynolds							
Mrs. Miller	X						

VOTE ON LOFGREN AMENDMENT

A rollcall vote was conducted on the following amendment to the Chairman's amendment in the nature of a substitute.

An amendment by Ms. Lofgren, to delay implementation of the identification requirements until a study could be completed on the anticipated effects of implementation of the program on certain populations, was defeated by a rollcall vote of 3 yeas to 4 nays. The vote was as follows:

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Mr. Ehlers		X		Ms. Millender-McDonald	X		
Mr. Ney				Mr. Brady	X		
Mr. Mica		X		Ms. Lofgren	X		
Mr. Doolittle		X					
Mr. Reynolds							
Mrs. Miller		X					

VOTE ON MILLENDER-MCDONALD AMENDMENT

A rollcall vote was conducted on the following amendment to the Chairman's amendment in the nature of a substitute.

An amendment by Ms. Millender-McDonald, to set standards for provisional ballots, to assess penalties for voter suppression, and to implement alternative methods for fraud prevention, was defeated by a rollcall vote of 3 yeas to 4 nays. The vote was as follows:

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Mr. Ehlers		X		Ms. Millender-McDonald	X		
Mr. Ney				Mr. Brady	X		
Mr. Mica		X		Ms. Lofgren	X		
Mr. Doolittle		X					
Mr. Reynolds							
Mrs. Miller		X					

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) rule XIII of the Rules of the House of Representatives, the Committee states that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the House of Representatives, are incorporated in the descriptive portions of this report.

GENERAL PERFORMANCE GOALS AND OBJECTIVES

The Committee states, with respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, that the goal and objective of H.R. 4844 is to protect the franchise and reduce the opportunities for, and incidence of, vote fraud.

CONSTITUTIONAL AUTHORITY

In compliance with clause 3(d)(1) of rule XIII, the Committee states that Article 1, Section 4 of the U.S. Constitution grants Congress the authority to make law governing the time, place and manner of holding federal elections.

FEDERAL MANDATES

The Committee states, with respect to section 423 of the Congressional Budget Act of 1974, that the bill obligates States to establish a program to make available photo identification to individuals, including that it be at no cost to indigent individuals.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any committee on a bill or joint resolution to include a committee statement on the extent to which the bill or joint resolution is intended to preempt state or local law. The Committee states that the identification requirement will apply in all States and preempt laws to the contrary.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

HELP AMERICA VOTE ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Help America Vote Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

* * * * * * *

TITLE II—COMMISSION

* * * * * * *

Subtitle D—Election Assistance

PART 1—REQUIREMENTS PAYMENTS

Sec. 251. Requirements payments.

* * * * * * *

PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

Sec. 297. Payments to cover costs to States of providing photo identifications for voting to indigent individuals.
Sec. 297A. Authorization of appropriations.

* * * * * * *

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

* * * * * * *

[Sec. 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail.]
Sec. 303. Computerized statewide voter registration list requirements and requirements for providing photo identification.

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TITLE II—COMMISSION

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Subtitle D—Election Assistance

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PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PROVIDING PHOTO IDENTIFICATIONS FOR VOTING TO INDIGENT INDIVIDUALS.

(a) PAYMENTS TO STATES.—The Commission shall make payments to States to cover the costs incurred in providing photo identifications under the program established under section 303(b)(4) to individuals who are unable to afford the fee that would otherwise be charged under the program.

(b) AMOUNT OF PAYMENT.—The amount of the payment made to a State under this part for any year shall be equal to the amount of fees which would have been collected by the State during the year under the program established under section 303(b)(4) but for the application of section 303(b)(4)(B)(ii), as determined on the basis of information furnished to the Commission by the State at such time and in such form as the Commission may require.

SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for payments under this part such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.

TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A—Requirements

* * * * * * *

SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS [FOR VOTERS WHO REGISTER BY MAIL] *FOR PROVIDING PHOTO IDENTIFICATION.*

(a) * * *

(b) REQUIREMENTS [FOR VOTERS WHO REGISTER BY MAIL] *FOR PROVIDING PHOTO IDENTIFICATION.*—

[(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

[(A) the individual registered to vote in a jurisdiction by mail; and

[(B)(i) the individual has not previously voted in an election for Federal office in the State; or

[(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

[(2) REQUIREMENTS.—

[(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

[(i) in the case of an individual who votes in person—

[(I) presents to the appropriate State or local election official a current and valid photo identification; or

[(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

[(ii) in the case of an individual who votes by mail, submits with the ballot—

[(I) a copy of a current and valid photo identification; or

[(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

[(B) FAIL-SAFE VOTING.—

[(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of

subparagraph (A)(i), may cast a provisional ballot under section 302(a).

[(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

[(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

[(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits as part of such registration either—

[(i) a copy of a current and valid photo identification; or

[(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

[(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

[(I) a driver's license number; or

[(II) at least the last 4 digits of the individual's social security number; and

[(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

[(C) who is—

[(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

[(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

[(iii) entitled to vote otherwise than in person under any other Federal law.]

(1) INDIVIDUALS VOTING IN PERSON.—

(A) REQUIREMENT TO PROVIDE IDENTIFICATION.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not provide a ballot for an election for Federal office to an individual who desires to vote in person unless the individual presents to the official—

(i) a government-issued, current, and valid photo identification; or

(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

(B) AVAILABILITY OF PROVISIONAL BALLOT.—If an individual does not present the identification required under subparagraph (A), the individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a), except that the appropriate State or local election official may not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in the election unless the individual presents the identification required under subparagraph (A) to the official not later than 48 hours after casting the provisional ballot.

(2) INDIVIDUALS VOTING OTHER THAN IN PERSON.—

(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not accept any ballot for an election for Federal office provided by an individual who votes other than in person unless the individual submits with the ballot—

(i) a copy of a government-issued, current, and valid photo identification; or

(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a copy of a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

(B) EXCEPTION FOR OVERSEAS MILITARY VOTERS.—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved. In this subparagraph, the term "absent uniformed services voter" has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6(1)), other than an individual described in section 107(1)(C) of such Act.

(3) SPECIFIC REQUIREMENTS FOR IDENTIFICATIONS.—For purposes of paragraphs (1) and (2)—

(A) an identification is "government-issued" if it is issued by the Federal Government or by the government of a State; and

(B) an identification is one for which an individual was required to provide proof of United States citizenship as a condition for issuance if the identification displays an official marking or other indication that the individual is a United States citizen.

(4) MAKING PHOTO IDENTIFICATIONS AVAILABLE.—

(A) IN GENERAL.—During fiscal year 2008 and each succeeding fiscal year, each State shall establish a program to provide photo identifications which may be used to meet the requirements of paragraphs (1) and (2) by individuals who desire to vote in elections held in the State but who do not otherwise possess a government-issued photo identification.

(B) IDENTIFICATIONS PROVIDED AT NO COST TO INDIGENT INDIVIDUALS.—If a State charges an individual a fee for

providing a photo identification under the program established under subparagraph (A)—

(i) the fee charged may not exceed the reasonable cost to the State of providing the identification to the individual; and

(ii) the State may not charge a fee to any individual who provides an attestation that the individual is unable to afford the fee.

(C) IDENTIFICATIONS NOT TO BE USED FOR OTHER PURPOSES.—Any photo identification provided under the program established under subparagraph (A) may not serve as a government-issued photo identification for purposes of any program or function of a State or local government other than the administration of elections.

[(4)] *(5)* CONTENTS OF MAIL-IN REGISTRATION FORM.—

(A) * * *

* * * * * * *

[(5)] *(6)* CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of the enactment of this Act to comply with such a provision after such date.

(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS.—The last 4 digits of a social security number described in [subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)] *subsection (a)(5)(A)(i)(II)* shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) EFFECTIVE DATE.—

(1) * * *

[(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

[(A) IN GENERAL.—Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

[(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.]

(2) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION.—Paragraphs (1) and (2) of subsection (b) shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.

* * * * * * *

MINORITY VIEWS OF RANKING MEMBER JUANITA MILLENDER-MCDONALD OF CALIFORNIA, REP. ROBERT A. BRADY OF PENNSYLVANIA, AND REP. ZOE LOFGREN OF CALIFORNIA

INTRODUCTION

The Committee on House Administration amended and ordered reported H.R. 4844, the Federal Election Integrity Act of 2006, by a recorded vote of 4–3. The inescapable consequence of enacting H.R. 4844 will be to decrease the number of citizens able to vote. Unfortunately the Majority made no effort to determine how many voters will be disenfranchised by this legislation. The fact that millions of Americans do not have the identification and proof of citizenship that the bill requires does not appear to concern the Majority, nor does the fact that those citizens, who are most likely to lose their right to vote, are disproportionately the elderly, the disabled and racial minorities. The Majority has abandoned the bipartisanship reflected in the previous election legislation to pursue a partisan agenda. In the view of the Minority, H.R. 4844 will do far more to suppress turnout and intimidate voters than to prevent voter fraud, the purported objective of the Majority. Millions of Americans will be denied their right to vote because the Majority is rushing this bill to the floor to address a problem that is not supported by quantitative or empirical data to show that real problems exist.

THE REAL FRAUD: VOTER SUPPRESSION

What H.R. 4844 does not do is more striking than what it does. For all the concern that the Majority expresses about protecting the right to vote, the bill does nothing to stop voter suppression or correct the myriad of administrative problems that are plaguing our elections and robbing our citizens of their right to vote. H.R. 4844, as amended, will do nothing to stop the intentional forms of voter suppression like the instances in 2004 when unsuspecting voters were misinformed about the time or place of the election or about the qualifications for voting. It will not remedy the long lines, the misallocated voting equipment or voter registration rules and election procedures that deny citizens the opportunity to vote. These are the issues that the Committee should be addressing.

Instead the Majority devises a modern day poll tax in the form of proof of citizenship that will keep eligible citizens from voting. No citizen should have to pay in order to exercise his or her Constitutional right to vote. Proof of citizenship requirements place on the voter the difficult, time consuming, and costly burden of obtaining the necessary documentation to prove citizenship or identity in order to cast a ballot. And this burden falls mostly on the elderly, the poor and some racial minorities. For example, the United

States State Department reports that only 23 percent of all Americans possess a passport and the cost of obtaining one exceeds $100. A majority of Americans do not currently possess the identification required by H.R. 4844, and requiring them to obtain one imposes an unconstitutional burden on their right to vote. Some Americans will be unable to acquire the necessary documents at any cost because they lack a birth certificate.

Instead of making it difficult to vote, our job should be to promote more broadly civic participation. Instead of erecting new barriers, we should be devoting our resources to prosecuting the illegal intimidation tactics that continue to surface with each election cycle.

This legislation will do absolutely nothing to address the widespread voter disenfranchisement caused by administrative incompetence and irrational election rules and procedures. Just two years ago, thousands of voters waited in line for long hours to cast a ballot because of the misallocation of voting equipment, or because of the selective interpretation of the voting laws for partisan gain.

No one would disagree with the Majority that voter fraud is wrong and anyone who breaks the law should be prosecuted to the fullest extent of the law. Falsely claiming citizenship and voting fraud have long been state and federal offenses. And the country has strong laws in place today to address this concern. Federal law (18 U.S.C. § 611) prohibits non-citizens from voting in national elections or from providing false information about citizenship when registering (18 U.S.C. § 911). Both provisions carry prison time and stiff financial penalties. In addition, ever since U.S. immigration laws were reformed in 1996, immigrants who try to vote can be criminally prosecuted, and after that, are automatically given a one-way ticket out of the country. These laws deter non-citizens from registering and voting. That is one reason that the Majority was unable to document that illegal voting by non-citizens is a problem. Another reason is that non-citizens have little interest in voting and in doing so, exposing themselves to possible deportation. Burdensome proof of citizenship requirements will only penalize U.S. citizens who simply desire to exercise their Constitutional right to vote.

H.R. 4844 is a solution in search of a problem, as the testimony from our June 2006 hearing attests. The Majority's own witnesses admitted that the "need" for a proof of citizenship requirement is not documented by studies or by empirical data. The question is why the Majority is so willing to sacrifice the right to vote of millions of Americans to prevent what even the Majority's own witnesses see are at worst an occasional and isolated instance of non-citizens voting.

H.R. 4844

H.R. 4844, would:

- require an individual to present a government issued photo ID in order to cast a ballot for the 2008 Federal elections;
- prevent voters from casting a ballot unless they offer proof of citizenship in order to vote in 2010;

• allow for the counting of a provisional ballot only if the individual who cast the ballot returns to the appropriate election official within 48 hours of casting the provisional ballot with the required photo ID;

• require anyone other than overseas active military personnel to include with their absentee ballot a copy of a current and valid government-issued photo ID. This has the potential for disenfranchising thousands of voters in states like Oregon, which conduct all of their elections by mail-in ballots, or states that are moving in that direction, like Washington state;

• instruct the Election Assistance Commission to make payments to the states to cover the cost incurred in providing photo ID to certain individuals; and

• authorizes appropriations to pay states for the cost of providing photo IDs to indigent individuals. Citizens who are not indigent would still have an out-of-pocket expense, and indigent citizens will still need to bear the costs of obtaining proof of citizenship to obtain the state-issued photo ID.

DEMOCRATIC ALTERNATIVE

Ranking Member Millender-McDonald offered a perfecting amendment in the Committee in the nature of a substitute to H.R. 4844, which was rejected by the Majority 4–3.

If adopted, the amendment would have improved voter access to the polls, prevented election fraud, and supported election integrity. The amendment proposed to:

(1) establish uniform standards for the treatment of provisional ballots;

(2) create uniform standard for treatment of provisional ballots cast at incorrect polling places;

(3) clarify criminal penalties for voter fraud under the HAVA;

(4) codify a Federal Court decision that HAVA matching requirements are intended as an administrative safeguard, not as a restriction on voter eligibility; and

(5) provide to the states additional fraud prevention methods.

Congresswoman Lofgren offered an amendment that would have prevented H.R. 4844 from taking effect unless the EAC reports to Congress on the anticipated impact of the Act on voter participation, and the report concludes that implementation of H.R. 4844 will not disproportionately affect voter participation by the elderly, disabled and racial minorities. This amendment was also rejected 4–3.

The Federal Elections Commission noted in its 1997 report to Congress that photo identification entails major expenses, both initially and in maintenance. Such a requirement also presents an undue and potentially discriminatory burden on citizens in exercising their basic right to vote.

Partisan attempts to burden our Nation with troublesome proof of citizenship requirements are not the direction our Committee or the country should be heading. This Committee should focus on ensuring that all Americans, who are eligible to vote, are able to do so without having to wait for many long hours to cast a ballot. Fur-

ther, this Committee should be concentrating on ways to ensure all Americans that their ballots will be fully accounted for, and their votes will be accurately counted. The Congress and this Committee should be addressing the real voter fraud issues, because electoral fraud perpetrated on Americans: voter intimidation, threats; misinformation, and other forms of voter suppression are still disenfranchising hundreds of thousands of American citizens today.

CITIZEN GROUPS OPPOSING H.R. 4844

To date, we have received testimony and letters from 89 citizen groups that vehemently oppose voter ID and proof of citizenship requirements to vote. We would like to include the attached letters of opposition from the following groups:

A. Philip Randolph Institute.
ACORN.
Advancement Project.
Aguila Youth Leadership Institute.
Alliance for Retired Americans.
American Association of People with Disabilities.
American Association of Retired Persons (AARP).
American Civil Liberties Union.
American Civil Liberties Union of Arizona.
American Federation of Labor—Congress of Industrial Organizations (AFL–CIO).
American Federation of State, County and Municipal Employees.
American Immigration Lawyers Association.
American Policy Center.
Americans for Democratic Action.
Arizona Advocacy Network.
Arizona Consumers Council.
Arizona Hispanic Community Forum.
Arizona Students' Association.
Asian American Justice Center.
Asian American Legal Defense and Education Fund.
Asian and Pacific Islander American Vote (APIA Vote).
Asian Pacific American Labor Alliance, AFL–CIO.
Brennan Center for Justice at NYU School of Law.
Center for Digital Democracy.
Common Cause.
Computer Professionals for Social Responsibility.
Concerned Foreign Service Officers.
Congressional Hispanic Caucus.
Consumer Action.
Cyber Privacy Project.
Democratic Women's Working Group.
Dēmos: A Network for Ideas & Action.
Electronic Privacy Information Center.
Emigrantes Sin Fronteras.
Fairfax County Privacy Council.
Friends Committee on National Legislation.
Hispanic Federation.
Hispanic National Bar Association.
Interfaith Worker Justice of Arizona.
Intertribal Council of Arizona.

Japanese American Citizens League (JACL).
La Union Del Pueblo Entero (LUPE).
Labor Council for Latin American Advancement.
Lawyers' Committee for Civil Rights Under Law.
Leadership Conference on Civil Rights.
League of United Latin American Citizens.
League of Women Voters of Greater Tucson.
League of Women Voters of the United States.
Legal Momentum.
Mexican-American Legal Defense and Educational Fund.
National Association for the Advancement of Colored People (NAACP).
National Association of Latino Elected and Appointed Officials Educational Fund.
National Center for Transgender Equality.
National Congress of American Indians.
National Council of Jewish Women.
National Council of La Raza.
National Disability Rights Network.
National Education Association.
National Korean American Service & Education Consortium.
National Urban League.
National Voting Rights Institute.
Navajo Nation.
New York Public Interest Research Group, Inc./NYPIRG.
Ohio Taxpayers Association & OTA Foundation.
People for the American Way Foundation.
Project for Arizona's Future.
Protection and Advocacy System.
RainbowPUSH Coalition.
Republican Liberty Caucus.
SEIU Local 5 Arizona.
Service Employees International Union (SEIU).
Sikh American Legal Defense and Education Fund (SALDEF).
Somos America/We Are America.
Southwest Voter Registration Education Project.
The Multiracial Activist.
The Rutherford Institute.
Tohono O'odham Nation.
Transgender Law Center.
U.S. PIRG.
Unitarian Universalist Association of Congregations.
United Auto Workers.
United Church of Christ Justice & Witness Ministries.
United Methodist Church, General Board of Church and Society.
United States Student Association.
United Steelworkers.
UNITE–HERE.
Velvet Revolution.
William C. Velasquez Institute.
YWCA USA.

CONCLUSION

The proponents of H.R. 4844 characterize this legislation merely as an administrative protection that is simple to implement and necessary to prevent fraud. The truth is H.R. 4844 is a draconian measure that will suppress voting and undermine laws that Congress has passed to assure all citizens have a full and equal right to participate. Enacting this law measure will be an affront to all Americans who take pride in the progress our country has made in extending the franchise to all of its citizens and who take offense at the political manipulation of our election process.

Let us not forget, Hurricanes Katrina and Rita forced nearly 700,000 citizens from the Gulf Coast last year. What about the Katrina victims who not only lost houses and jobs, but under this bill will lose their right to vote because they lost the documentation necessary to vote? There will be other victims of this ill-conceived legislation including those because of their disability cannot locate the necessary documents or those who were born at home because they were denied access to their local hospital or those that are wrongly denied by government error, the necessary documentation.

Democrats along with well intentioned Republicans have fought for and won the extension of voting rights to eligible Americans. During the last century, our country has expanded the right to vote to millions of Americans with the passage of the 19th amendment giving women the right to vote; the Voting Rights Act of 1965 preventing institutional voter suppression; the 26th amendment giving the right to vote to 18 year olds; the National Voter Registration Act of 1993; and the Help America Vote Act of 2002. We will not shirk our responsibility to defend those gains and we will not let those gains be lost to undocumented allegations of fraud or to partisan efforts to secure a political advantage. The right to vote is too precious to allow any citizen's vote to be sacrificed to those who would treat it carelessly.

JUANITA MILLENDER-MCDONALD.
ROB A. BRADY.
ZOE LOFGREN.

MINORITY ATTACHMENTS

APIA VOTE,
Washington, DC, September 15, 2006.

Hon. VERNON EHLERS,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES EHLERS AND MILLENDER-MCDONALD: The Asian and Pacific Islander American Vote (APIAVote) and the South Asian American Leaders for Tomorrow (SAALT) write to express our grave concerns about the government-issued photo identification requirements for voting proposed in H.R. 4844, the Federal Election Integrity Act of 2006. If enacted, H.R. 4844 will require every eligible voter to obtain and present government-issued photo for federal elections in 2008 and thereafter. H.R. 4844 creates burdensome obstacles to our democratic electoral process and will have a disenfranchising impact on the civic participation of eligible Asian Pacific Islander American (APIA) voters.

H.R. 4844 will significantly impede the growing trend of increased participation by Asian Pacific Islander Americans in our nation's democracy. Over the past ten years, the number of Asian Pacific Islander American voters increased from less than one million to 1.98 million, a 118% growth. In 2004 alone, 3.2 million APIAs registered to vote and 85% appeared at the polls on Election Day to cast their ballot and have their ballot counted. However, H.R. 4844 imposes administrative barriers that would discourage all current eligible voters.

Furthermore, limited English proficient (LEP) voters may be less likely to understand the new requirement. Even within jurisdictions with Section 203 coverage under the Voting Rights Act, this new requirement will take time for APIA LEP voters to understand and comply.

Proponents of H.R. 4844 claim that the integrity of our democracy is at stake and widespread voter fraud demands the passage of the drastic proposed measures. However, the United States Department of Justice has documented less than 100 allegations of ballot fraud and far less actual convictions nationwide. Congress should not respond to these exaggerated claims by mandating that every eligible voter obtain and present government-issued photo identification, especially when there are numerous other measures, such as signature verification and legally-binding affidavits, that can be established to reinforce fair elections. This misguided piece of legislation will simply lead to the disenfranchisement of limited English proficient voters, immigrant voters, and minority voters.

As Congress considers H.R. 4844, we implore to consider whether the legislation advances our democracy, promotes civic engagement, and restores confidence in the electoral process. If H.R. 4844 disenfranchises even one eligible voter, which it will surely do if enacted, then it is a great disservice to the principles of our society.

PEOPLE FOR THE AMERICAN WAY,
Washington, DC, September 14, 2006.

House of Representatives, Washington, DC.

DEAR COMMITTEE MEMBER: On behalf of the more than 900,000 members and activists of People for the American Way, we urge you to stand up for the right of all citizens to fully participate in our democratic society and oppose measures, such as H.R. 4844, or other proof of citizenship or voter ID requirements, that seek to erect barriers to the ballot. Our American democracy is one of inclusion that thrives on the diversity of our populace and the full participation of its citizenry. Overly burdensome and unnecessary voter ID and proof of citizenship requirements are an anathema to this ideal and only serve to alienate and disenfranchise eligible citizens.

Election Fraud

Fraud takes many forms. While proponents of H.R. 4844 and other voter ID requirements claim to be addressing the existence of massive "voter fraud," particularly by illegal immigrants; to date, there are no credible reports of significant fraud to support the need for such restrictive proposals. While it is true that the integrity of the electoral process must be protected, this can only be done by addressing actual problems that truly serve to undermine voter confidence. This necessarily includes procedures and actions by individuals and election administrators that will prevent eligible voters from participating in the electoral process. Voter intimidation and harassment of voters at the polls are some of the more obvious forms of activities that disenfranchise voters and contribute to fraud in our election process. Other actions such as election officials removing eligible voters from the registration rolls, the destruction of voter registration cards because of registrants' political affiliation, or the mass challenging of minority voters at the polling places are other fraudulent activities that must be addressed. Any definition that is not sufficiently broad to include such activities prevents decision makers from devising appropriate solutions.

Proof of Citizenship Requirements

Proof of citizenship requirements are unnecessary. Those registering to vote are already required to take an oath of citizenship. The extra requirement for providing documents only creates an additional hurdle for voters.

Unfortunately, proposals to require proof of citizenship are often a way to disguise racist and anti-immigrant sentiment and only serve to disenfranchise eligible citizens. This is because proponents know that proof of citizenship requirements are impossible for members of some communities to acquire and very hard for others. For instance, in certain parts of the country, elderly African Americans and many Native Americans were born at home, under the care of elderly African Americans and many Native Americans

were born at home, under the care of midwives, and do not possess birth certificates. People of color, people with disabilities, elderly people, young people, and low-income citizens are among the demographic groups least likely to have documents in their possession to prove citizenship. Furthermore for victims of natural disasters like hurricane Katrina, it may be impossible to obtain birth certificates or other documents because they have been destroyed.

Legislation such as the Voting Rights Act of 1965 and the Help America Vote Act have made it easier for all citizens to vote, and have resulted in increased voter participation by Latinos and other minorities. This progress should be continued and we should not allow retrogressive proposals like Proposition 200 or others to turn back the progress of these significant civil rights laws.

Voter Identification Requirements

Restrictive voter ID requirements are similarly unnecessary and harmful. Like proof of citizenship requirements, such voter ID requirements impose a severe burden and are likely to disenfranchise poor, minority, elderly and young voters, who are less likely to have photo identification and move more frequently. The data is clear:

- Approximately 6 to 10% of the American electorate does not have any form of state identification.
- African Americans are four to five times less likely than whites to have photo identification.
- Young adults (age 20–29) move almost 6 times more frequently than adults over 55, and minorities move 50% more frequently than whites.
- In Georgia, It is estimated that nearly 40% of seniors lack photo identification.

Instead of addressing unsubstantiated voter fraud, such restrictive voting measures erect barriers to the ballot and are likely to be enforced in discriminatory ways against poor and minority voters to intimidate, misinform, stigmatize, and ultimately suppress the vote.

Real Solutions

Even if fraud were a problem, there are positive steps that states can take to lessen the threat of fraud and protect the integrity of the ballot box without risking disenfranchising voters, such as implementing statewide voter registration databases as mandated by HA VA. Additional "fraud-protection" measures could include accurate cleansing of voter registration rolls, verification of voters' unique identifying numbers, in-person affirmation, signature comparison, and finally, the vigorous prosecution of any cases of election fraud. These are real solutions to actual documented problems.

Conclusion

Since the 2000 Presidential Election, our sister organization, People For the American Way Foundation, has been a leader in the Election Protection Coalition along with its allies the Lawyers' Committee for Civil Rights under Law and the NAACP. Integral to Election Protection was the deployment of thousands of volunteers across the country to serve as poll monitors to assist voters and

document the problems voters faced as they attempted to exercise their right to vote. The data collected from volunteers and voters through reports from the field and through the Election Protection Hotline clearly evidence a need for election officials to address the real problems created by voter harassment and intimidation, the lack of machines at low-income and minority poll sites, improperly trained poll workers and the creation of overly burdensome voter registration procedures by partisan election officials, just to name a few. These are the real problems that deserve the priority of election officials. Only then can we truly maintain the integrity of our electoral system and protect the right to vote of all eligible citizens. Voter ID and proof of citizenship proposals are simply forms of a 21st century poll tax that have no business in our electoral process. The right to vote is fundamental and Congress should be focused on ways to open the franchise to all eligible citizens. PFAW looks forward to working with Congress to protect this right to vote for all Americans.

Sincerely,

RALPH G. NEAS,
President.
TANYA CLAY HOUSE,
Director, Public Policy.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 14, 2006.

Hon. VERNON J. EHLERS,
Chairman, House of Representatives,
Committee on House Administration, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, House of Representatives,
Committee on House Administration, Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: As Members of the Congressional Hispanic Caucus, we write to express our opposition to H.R. 4844, the Federal Election Integrity Act of 2006. This legislation, purporting to secure our electoral system against fraud, is merely a backdoor effort to intimidate and disenfranchise otherwise eligible voters. As we have said before to this committee, it is regrettable that once again two unrelated issues—non-citizens and voting fraud—are linked in the public's mind to create a controversy were none exists.

We hold a longstanding opposition to identification requirement as part of the voting process. For some time we have heard of the need for a photo identification requirement as a necessary tool to combat fraud. However, there is no evidence of widespread fraud in any recent election, in particular any linked to non-citizens voting in federal elections. In those instances when a violation occurred, our judicial system has responded swiftly.

While a photo identification requirement at the polls seems entirely reasonable, it is important to note that some people simply do not possess photo identification. For example, in the Latino community, there are many low-income households in which no one possesses a car, and certainly not a driver's license, let alone a passport. There are people in such households who do not even pos-

sess alternatives to photo identification, such as utility bills or government checks in their name. For such low-income individuals, the cost of obtaining photo identification is itself a burden, and such a requirement is all too reminiscent of past barriers to voting.

Requiring any form of identification at the polling place would inevitably create similar barriers and hurdles for racial and ethnic minority voters and would have a chilling effect on voter participation. Identification provisions have rightfully been prohibited because of the disparate impact they have on minority electoral participation. In addition, it would have a devastating effect on rural voters, as well as the elderly and disabled. As responsible policy makers, we need to consider whether the proposed remedy to a problem will cause greater harm than good. If in our efforts to prevent fraud we impose a burdensome requirement, then we have not created good policy.

This legislation, H.R. 4844, goes further than simply requiring photo identification and would amend the P.L. 103–31, the National Voter Registration Act (NVRA), to make proof-of-citizenship a federal requirement for voting in states that require registration. This presents several problems in that if improperly implemented, a voter ID law would likely violate other federal voting rights laws such as the Voting Rights Act of 1965 and the Help America Vote Act of 2002. In addition, states would have to create new forms and a new system to capture registrations by mail, otherwise they would be non-compliant with the law the bill intends to amend, NVRA. Moreover, it would fail to stop fraud that could occur via mail-in voting or by the use of absentee ballots.

Currently, federal voter registration forms allow persons to attest to the fact that they are citizens. If H.R. 4844 were implemented, the requirements would be akin to imposing a modern-day poll tax because citizens would now have to pay to secure documents to prove what they have already confirmed via attestation, that they are indeed citizens. For persons of limited means, the prospect of spending $85 for a passport or time locating a birth certificate could easily discourage them from voting at all. In the case of naturalized citizens, this requirement is problematic in that the Department of Homeland Security makes it punishable by law to "copy, print, or photograph" a citizenship certificate. Any naturalized citizen would be in violation of one law in an attempt to comply with another. No individual should have to make that choice.

The negative consequence of some measures ostensibly designed to combat fraud is the disenfranchisement of legitimate voters. Any anti-fraud measure should pass a test that asks how much fraud the measure will prevent and how many legitimate voters will be prevented from voting. If the latter number is greater than the former, then the measure fails the test.

We urge you to consider the risks inherent in identification requirements and to oppose this bill in particular.

Sincerely,

GRACE FLORES NAPOLITANO,
Chair, Congressional Hispanic Caucus.
CHARLES A. GONZALEZ,

Chair, CHC Civil Rights Task Force.

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

New York, NY, September 13, 2006.

Hon. VERNON EHLERS,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: The NAACP Legal Defense and Educational Fund (LDF) strongly opposes H.R. 4844, the "Federal Election Integrity Act of 2006."

H.R. 4844 would prohibit qualified voters from voting in elections if they do not have a government-issued form of photo identification, which in turn requires individual voters to furnish proof of citizenship or a copy (in most states, a certified copy) of a document proving citizenship. H.R. 4844 will disproportionately affect poor, racial minority, disabled, homeless, and elderly voters by erecting a new, costly, unnecessary, and unjustifiable barrier to voting. We urge you to vote against this measure.

We are particularly concerned that the requirements of H.R. 4844 will have a disproportionate effect on low-income Black voters. As evidenced by Hurricane Katrina, poor voters impacted by circumstances outside of their control are often unable to obtain the documents required for government issued identification because they are destroyed or otherwise unavailable. These same voters should not be denied access to the polling place under such circumstances.

In addition, many of the underlying documents required to obtain government issued photo identification are unavailable to poor and elderly minority voters who disproportionately either (a) did not receive a birth certificate at the time of birth or (b) do not have a certified copy of their birth certificate at their disposal. Under the provisions of H.R. 4844, these otherwise eligible voters would be disfranchised.

LDF opposes any measure that attempts to impose a fee in order to exercise the fundamental right to vote. Persistent attempts to mask an unconstitutional poll tax by shifting the payment window from the poll house door to the Department of Motor Vehicles (when a fee is charged for a state identification card), or the Department of Health (when a fee is charged to obtain a copy of a birth certificate) does not alter the disproportionately prohibitive nature of such costs to poor, minority, and elderly voters.

Finally, the proponents of H.R. 4844 simply have not proffered sufficient evidence of "unchecked fraud" to justify the prohibitive impact of H.R. 4844 on eligible voters. Thus, there is no need for Congress to remedy a problem that has not been demonstrated to exist in any widespread fashion. Moreover, as a practical matter, state penalties for fraudulent voting, as well as the onerous task of identifying and locating a voter to impersonate, and then casting

an illegal ballot without suspicion, adequately curtail the number of ineligible persons, if any, attempting to vote by misrepresenting their identity at the polls. Although the government must guard against voter fraud, electoral integrity is not achieved when eligible voters are denied access to the core of our democracy: the fundamental right to vote.

The right to vote, recognized by the United States Supreme Court as the "civil right of the highest order," is preservative of all other rights. New voting rights challenges, like photo identification requirements, threaten to undermine the legitimacy of our democracy. The recent Voting Rights Act renewal focused on the shared goal of protecting the fundamental right to vote. Congress should not now enact legislation that will have the effect of excluding the same eligible voters the VRA protects.

Sincerely,

THEODORE M. SHAW,
Director-Counsel and President.

Cc: All House Administration Committee Members.

NAACP,
WASHINGTON BUREAU,
Washington, DC, September 13, 2006.

Hon. VERNON EHLERS,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: On behalf of the NAACP, our nation's oldest and largest grassroots based civil rights organization, I write to express our strong opposition to H.R. 4844, the misnamed, "Federal Election Integrity Act of 2006." If implemented, HR. 4844 would require all voters to obtain and present a government-issued photo ID that proves their citizenship in order to vote beginning in 2008. We are convinced in doing so, H.R. 4844 would facilitate and in some cases even encourage discrimination against racial and ethnic minorities, as well as the elderly and the poor at polling places and prevent many eligible voters across the country from participating in our sacredly held democratic practice of voting. To add insult to injury, it would do little too nothing to prevent actual instances of voter fraud. The so-called Federal Election Integrity Act, would only exacerbate the already existing problem of voter non-participation by erroneously removing or discouraging countless eligible voters from the process. We urge you, in the strongest possible terms, to oppose this ill-conceived measure and work to defeat it's passage in the U.S. House of Representatives.

Upon closer examination, H.R. 4844 re-creates new obstacles in voting akin to a modern day "poll-tax" by forcing U.S citizens to "pay" for government approved ID that many of our most vulnerable citizens do not have or cannot easily obtain to prove their citizenship such as passports or birth certificates. The bill attempts to address this problem by including a weak and ineffective provision

to cover the cost of ID's for voters who cannot afford them. The NAACP strongly believes that crucial voting rights should never depend on the tenuous appropriations process. Moreover, citizens would still be faced with the expense and time involved in getting the documentation required to obtain ID. As such, while the 1964 Voting Rights Act eliminated our nation's racially discriminatory poll taxes, H.R. 4844 effectively brings them back.

To add to our concerns about this misguided bill, we are convinced that the criterion for establishing proof of citizenship may be impossible for some of our citizens to establish. Until recently, it was common in certain parts of the country for people to be born at home without obtaining an official birth certificate. If H.R. 4844 were to become law, these American citizens would be completely disenfranchised.

The requirement that all voters present a photo ID before being able to cast a regular ballot will disproportionately disenfranchise African Americans and other racial and ethnic minority Americans, as well as, the elderly, individuals with disabilities, Americans living in rural areas, Native American voters, the homeless, and low-income people who are less likely to have or carry a photo ID.

Supporters of H.R. 4844 erroneously argue that it is necessary to require photo IDs and proof of citizenship in order to combat voter fraud, however nationwide evidence clearly establishes that current anti-fraud laws work. Moreover, while there is no question that election misconduct exists, including improper purges of voters, distributing false information about when and where to vote, stuffing ballot boxes, and tampering with registration forms, there is no evidence that the type of fraud that H.R. 4844 purports to address—voters who misrepresent their identity—is anything but an anomaly. Quite frankly, it has been clearly documented that our nation's biggest problems with voter fraud are because of the illegal activities of election officials and not those of the American people exercising their constitutional right to cast an unfettered vote of their own free will and have that vote counted.

Misguided legislative proposals like the so-called, "Federal Election Integrity Act of 2006" represent some of the greatest threats to fair and equal voting rights protections today.

In July of this year, Congress passed the historic reauthorization of the Voting Rights Act, "the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 protecting the right to vote for millions of Americans for many years to come. This important, bi-partisan, victory would be undermined by H.R. 4844, which would disenfranchise many of the very citizens that the VRA is designed to protect.

Thank you in advance for your consideration of this issue and for your attention to the concerns of the NAACP. We look forward to working with you to defeat this truly problematic bill. If you have any questions or concerns please contact me.

Sincerely,

HILARY O. SHELTON,
Director.

NATIONAL URBAN LEAGUE,
Washington, DC, September 13, 2006.

Hon. VERNON EHLERS,
Chairman, Committee on House Administration
House of Representatives, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: As President and CEO of the National Urban League, I am writing to express our strong opposition to H.R. 4844, the "Federal Election Integrity Act of 2006." H.R. 4844 would require all voters, beginning with the 2006 general election in less than eight weeks, to obtain and show proof of citizenship prior to registering to vote, and obtain and show a photo ID prior to casting a ballot. H.R. 4844 is being sold as a measure to reduce voter fraud—in reality, it would encourage discrimination and prevent many eligible voters from exercising the most sacred and important civil right they have, the right to vote.

The National Urban League considers proof-of-citizenship requirements a 21st century poll tax. No citizen should have to pay money to register to vote. Proof-of-citizenship requirements invariably put the burden—including the financial burden—on U.S. citizens. While it would be great if all citizens had documents such as a passport or a birth certificate readily available, the truth is that many do not, which means that they would have to pay for them in order to vote.

A birth certificate usually costs $10 to $15. Only 25–27 percent of eligible Americans have passports, which now cost $97. Naturalization papers, if they must be replaced, cost $210. H.R. 4844 makes no provision for citizens who lack the money to pay for these documents, meaning that the right to vote will likely become "unaffordable" for some citizens. This is why a federal district court recently characterized Georgia's similar photo ID law as a "poll tax."

The National Urban League was a strong advocate and worked tirelessly to help enact the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. We believe that the right to vote, and to have those votes counted, is the most important civil right of all. Proposals like H.R. 4844, while possibly appealing on the surface, are one of the greatest threats to fair and equal voting rights today. We should be focusing on encouraging full participation of our citizenry, not developing ways to limit the precious right to vote.

H.R. 4844 takes a misguided approach that will inherently disenfranchise large numbers of legal voters. Instead of safeguarding elections, H.R. 4844's requirements would undermine confidence in the fairness of the outcomes.

H.R. 4844 will disproportionately affect people of color, the elderly, individuals with disabilities, rural and Native voters, the homeless, low-income people, and married women. Proof of citizenship may be impossible for some people to obtain, and very hard for others. In certain parts of the country, for example, elderly African

Americans and many Native Americans were born at home under the care of midwives, and do not possess birth certificates. People of color, people with disabilities, the elderly, young, and people who live in poverty are among the groups least likely to have documents to prove they are U.S. citizens.

The U.S. Department of Transportation estimates that between 6–12 percent of voters nationally do not have a government-issued photo ID. A number of other studies have documented that certain segments of the population are far less likely to have a photo ID than other Americans. A University of Wisconsin study found that nearly 50 percent of African American and Latino men in Milwaukee do not have a government-issued photo ID.

Even if they have valid ID, many eligible voters will be turned away. H.R. 4844 will place an inordinate amount of discretion in the hands of overworked (and sometimes poorly trained) poll workers. Deciding whether a voter matches or does not match the photo in an ID card—which can be many years old—is a very subjective process and prone to mistakes or worse. In addition, if an ID card does not contain the voter's current address, which is true of millions of Americans, he or she will probably be turned away from the polls. Because H.R. 4844 does not explain how disputes over the validity of ID should be settled, and because it will keep voters who don't have a so-called "valid" ID from obtaining provisional ballots, it will enable racial and ethnic discrimination at polling places.

Our current lows work when properly enforced. Falsely claiming citizenship and voting fraudulently have long been federal offenses. Voter ID fraud is a surprisingly rare problem. There is no evidence that the type of fraud that H.R. 4844 supposedly addresses—voters who misrepresent their identity—is anything but an anomaly. For example:

- In Ohio, a statewide survey found four instances of ineligible persons voting or attempting to vote in 2002 and 2004, out of 9,078,728 votes cast—a rate of 0.00004%.
- Despite the invocation of fraud as support for the new Georgia law, Secretary of State Cathy Cox stated that in her ten-year tenure, she could not recall one documented case of voter fraud involving the impersonation of a registered voter at the polls.
- Nationwide, since October 2002, 86 individuals have been convicted of federal crimes relating to election fraud (including several offenses not remedied by ID requirements), while 196,139,871 ballots have been cast in federal general elections.

Proof-of-citizenship requirements will only serve to burden U.S. citizens who want to exercise their right to vote. The National Urban League therefore strongly urges that you oppose H.R. 4844. If you have any questions, please contact Stephanie Jones, Executive Director, National Urban League Policy Institute.

Sincerely,

MARC H. MORIAL,
President and CEO, National Urban League.

SEPTEMBER 13, 2006.

Hon. VERNON EHLERS,
Chairman, House Administration Committee,
Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, House Administration Committee,
Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), the Asian American Justice Center (AAJC), the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, the League of United Latin American Citizens (LULAC), the Hispanic National Bar Association (HNBA), the Southwest Voter Registration Education Project (SWVREP), the William C. Velazquez Institute (WCVI), and the National Council of La Raza (NCLR), we write to express our strong opposition to the substitute amendment to the "Federal Election Integrity Act of 2006" (H.R. 4844) sponsored by Congressman Ehlers. Our organizations have grave concerns that the proposed legislation would deny the franchise to untold numbers of U.S. citizens who are otherwise eligible to vote, and that its burdens would be borne disproportionately by the poor, the elderly, and racial and ethnic minorities.

H.R. 4844 would require voters to present government-issued photo identification for which the individual was required to provide proof of U.S. citizenship in order to receive a ballot in any election for federal office, beginning in November 2008. The primary government-issued photo identification that currently provides proof of citizenship is a U.S. passport, a costly document that many eligible voters do not possess.

While the cost of citizenship and identification documents may seem negligible to some, it represents a significant burden to many Americans. While H.R. 4844 contains a provision that would require states to provide photo identification at no cost to "indigent individuals," this does not cure the disproportionate burden of H.R. 4844 upon many poor, working, racial and ethnic minority, and elderly voters. Many eligible voters do not currently possess the documentation required to prove citizenship to the state agency charged with issuing the new photo identification and will disproportionately suffer the costs and burdens of securing this documentation. Further, securing the required state-issued voter identification card (which would only be used in voting) presents costs and burdens in lost wages, travel time, transportation costs, etc., that also present significant and disproportionate barriers to registration for many voters.

Given the costs and difficulty of obtaining documents, legislation mandating these documents to register or to vote amounts to an impermissible "poll tax" by requiring otherwise qualified voters to essentially pay a fee as a condition of voting, in violation of the Twenty-Fourth Amendment to the U.S. Constitution. The U.S. Supreme Court, in *Harper v. Virginia State Bd. of Elections,* noted that voting requirements run afoul of the Constitution whenever

they make "the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth."

Since the implementation of Arizona's proof of citizenship requirement in 2005, more than 20,000 voter registration applications have been rejected solely for failure to provide the necessary proof of citizenship documentation. Many thousands of eligible voters who went through the trouble of completing the voter registration form, executing the necessary oaths under penalty of law, and submitting the form to the County Recorder were rejected simply because they failed to attach a document proving their citizenship.

Community-based voter registration drives have been effectively terminated throughout the state, severely hampering the ability of new voters to register and participate in elections. Most volunteer voter registrars cannot carry a photocopy machine to malls, churches and fairs in order to photocopy the necessary documents on behalf of eligible voters. Most voter registration applicants do not, in fact, carry documentary proof of citizenship while out shopping or worshiping.

In addition, testimony at a recent federal court hearing on Arizona's proof of citizenship requirement revealed that it places significant burdens upon county election officials because they must attempt to verify citizenship documents and track down voter registration applicants who are required to provide more information to the county in order to be added to the rolls.

H.R. 4844 presents an unacceptable risk of denying the vote to otherwise eligible voters. At the same time, there is simply no good evidence that voter fraud by non-citizens constitutes a genuine or widespread problem—and certainly not on a scale to justify a response that is so costly, heavy-handed, and discriminatory in effect. In Arizona, for example, there is not a single documented case of a non-citizen intentionally and fraudulently registering to vote. Proof of citizenship requirements are quite simply a solution in search of a problem.

H.R. 4844 would impermissibly burden the fundamental right to vote, the basis of our democratic system. Requiring voters to purchase documents in order to exercise the franchise is as much an affront today as it was when the Supreme Court issued its Harper ruling 40 years ago. On behalf of those Americans who would disproportionately bear this burden, we urge you to oppose this damaging proposal. For further information, please contact Peter Zamora, MALDEF Legislative Attorney.

Sincerely,

Asian American Justice Center.

Hispanic National Bar Association.

League of United Latin American Citizens.

Mexican American Legal Defense and Educational Fund.

National Association of Latino Elected and Appointed Officials Educational Fund.

National Council of La Raza.

Southwest Voter Registration Education Project.

William C. Velasquez Institute.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, DC, September 13, 2006.

Hon. VERNON EHLERS,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: We, the undersigned organizations, write to express our strong opposition to H.R. 4844, "Federal Election Integrity Act of 2006." H.R. 4844 would require all voters, beginning in 2010, to obtain and show government-issued photo ID that proves their citizenship in order to vote. In doing so, H.R. 4844 would encourage racial and ethnic discrimination at polling places and prevent many eligible voters across the country from participating in our democracy, while doing nothing to combat genuine instances of voter fraud. H.R. 4844 would only serve to skew election results by removing countless eligible voters from the process. We urge you to vote against this ill-conceived measure.

In July of this year, Congress passed the historic reauthorization of the Voting Rights Act, "The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006," protecting the right to vote for millions of Americans for many years to come. This important, bi-partisan, victory would be undermined by a new measure to disenfranchise some of the very citizens that the VRA is designed to protect.

First, no citizen should have to pay to vote. Many U.S. citizens either do not have or cannot easily access documents that prove their citizenship such as a passport or birth certificate. Attempts to cover the cost of ID for voters who cannot afford them are not sufficient, as our most cherished civil right should never depend on annual appropriations decisions. Moreover, citizens would still be faced with the expense and time involved in getting the documentation required to obtain ID. Thus, while the Voting Rights Act eliminated poll taxes, H.R. 4844 brings them back.

In addition, proof of citizenship may be impossible for some people to obtain. Until recently, it was common in certain parts of the country for people to be born at home, without obtaining an official birth certificate. If H.R. 4844 were to become law, these American citizens would be completely disenfranchised.

The requirement that all voters present a photo ID before being able to cast a regular ballot will disproportionately disenfranchise people of color, the elderly, individuals with disabilities, rural and Native voters, the homeless, low-income people, and married women, who are less likely to carry a photo ID. Photo ID requirements also build an enormous amount of discretion into the balloting process, thus creating opportunities for discrimination at the polls against racial, ethnic, and language minority voters.

Further, while supporters of H.R. 4844 argue that it is necessary to require photo IDs and proof of citizenship in order to combat voter fraud, the evidence clearly establishes that current anti-fraud laws work. Moreover, while there is no question that election mis-

conduct exists, including improper purges of voters, distributing false information about when and where to vote, stuffing ballot boxes, and tampering with registration forms, there is no evidence that the type of fraud that H.R. 4844 purports to address—voters who misrepresent their identity—is anything but an anomaly.

The right to vote, and to have your vote counted, is the most important civil right of all. Proposals like H.R. 4844 are one of the greatest threats to fair and equal voting rights today. Congress should be in the business of encouraging full participation of our citizenry, not developing ways to limit the right to vote.

For these reasons, we strongly urge you to oppose H.R. 4844. If you have any questions, please contact Rob Randhava, LCCR Counsel, Tanya Clay House of People For the American Way, or Jonah Goldman of Lawyers' Committee for Civil Rights Under Law.

Sincerely,

Leadership Conference on Civil Rights.
A. Philip Randolph Institute.
AARP.
ACORN.
Alliance for Retired Americans.
American Association of People with Disabilities.
American Civil Liberties Union.
American Federation of Labor—Congress of Industrial Organizations.
American Federation of State, County and Municipal Employees.
Americans for Democratic Action.
Asian American Justice Center.
Asian American Legal Defense and Education Fund.
Asian Pacific American Labor Alliance, AFL–CIO.
Brennan Center for Justice at NYU School of Law.
Center for Digital Democracy.
Common Cause.
Consumer Action.
Dēmos: A Network for Ideas & Action.
Friends Committee on National Legislation.
Hispanic Federation.
Labor Council for Latin American Advancement.
Lawyers' Committee for Civil Rights Under Law.
League of Women Voters of the United States.
Legal Momentum.
Mexican American Legal Defense and Educational Fund.
National Association for the Advancement of Colored People.
National Center for Transgender Equality.
National Congress of American Indians.
National Council of Jewish Women.
National Council of La Raza.
National Education Association.
National Voting Rights Institute.
People For the American Way.
RainbowPUSH Coalition.
Transgender Law Center.
Unitarian Universalist Association of Congregations.
UNITE-HERE.

United Auto Workers.
United Methodist Church, General Board of Church and Society.
United States Student Association.
United Steelworkers.
YWCA USA.

ASIAN AMERICAN JUSTICE CENTER,
September 13, 2006.

Hon. VERNON EHLERS,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: The Asian American Justice Center, formerly known as the National Asian Pacific American Legal Consortium, writes to express our strong opposition to H.R. 4844, the "Federal Election Integrity Act of 2006." H.R. 4844 would require all voters, beginning in 2008, to obtain and show government-issued photo ID that proves their citizenship in order to vote. In doing so, H.R. 4844 would encourage racial and ethnic discrimination at polling places and prevent many eligible voters across the country from participating in our democracy, while doing nothing to combat genuine instances of voter fraud. H.R. 4844 would only serve to skew election results by removing countless eligible voters from the process. We urge you to vote against this ill-conceived measure.

In July of this year, Congress passed the historic reauthorization of the Voting Rights Act, "The Rosa Parks, Fannie Lou Hamer, Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006," protecting the right to vote for millions of Americans for many years to come. This important, bi-partisan, victory would be undermined by a new measure to disenfranchise some of the very citizens that the Voting Rights Act is designed to protect.

First, no citizen should have to pay to vote. Many U.S. citizens either do not have or cannot easily access documents that prove their citizenship such as a passport or birth certificate. Attempts to cover the cost of ID for voters who cannot afford them are not sufficient, as our most cherished civil right should never depend on annual appropriations decisions. Moreover, citizens would still be faced with the expense and time involved in getting the documentation required to obtain ID. Thus, while the Voting Rights Act eliminated poll taxes, H.R. 4844 brings them back.

In addition, proof of citizenship may be impossible for some people to obtain. Until recently, it was common in certain parts of the country for people to be born at home, without obtaining an official birth certificate. If H.R. 4844 were to become law, these American citizens would be completely disenfranchised.

The requirement that all voters present a photo ID before being able to cast a regular ballot will disproportionately disenfranchise people of color, the elderly, individuals with disabilities, rural and Native voters, the homeless, low-income people, and married

women, who are less likely to carry a photo ID. Photo ID requirements also build an enormous amount of discretion into the balloting process, thus creating opportunities for discrimination at the polls against racial, ethnic, and language minority voters. Past elections have provided some evidence of poll workers using the HAVA ID provision to discriminate against Asian American voters, singling only them out for ID requests even when they were not first-time voters. H.R. 4844 creates even more opportunities for continued discrimination against Asian American and other minority voters.

Further, while supporters of H.R. 4844 argue that it is necessary to require photo IDs and proof of citizenship in order to combat voter fraud, the evidence clearly establishes that current anti-fraud laws work. Moreover, while there is no question that election misconduct exists, including improper purges of voters, distributing false information about when and where to vote, stuffing ballot boxes, and tampering with registration forms, there is no evidence that the type of fraud that H.R. 4844 purports to address—voters who misrepresent their identity—is anything but an anomaly.

The right to vote, and to have your vote counted, is the most important civil right of all. Proposals like H.R. 4844 are one of the greatest threats to fair and equal voting rights today. Congress should be in the business of encouraging full participation of our citizenry, not developing ways to limit the right to vote.

For these reasons, we strongly urge you to oppose H.R. 4844. If you have any questions, please contact me.

Sincerely,

TERRY M. AO,
Director of Census & Voting Programs,
Asian American Justice Center.

LAWYER'S COMMITTEE FOR CIVIL RIGHTS UNDER LAW
Washington, DC.

Hon. VERNON ELDERS,
Chair, Committee on House Administration,
House of Representatives, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE EHLERS AND REPRESENTATIVE MILLENDER-MCDONALD: On behalf of the Lawyers' Committee for Civil Rights Under Law, I write in opposition to Representative Henry Hyde's so-called "Federal Election Integrity Act of 2006," because it will sacrifice the most fundamental right guaranteed to all American citizens by our Constitution—the right to vote. Contrary to its title, the bill will undermine the integrity of our democratic process by making federal elections less responsive to the will of eligible American voters. At a time when our brave men and women are sacrificing their lives to ensure that Iraqis experience the national pride of a fair democratic process, patriotic responsibility demands that we insist on nothing less for our own citizens. H.R. 4844 needlessly requires proof of citizenship when eligible voters register to vote and photo identification when citizens cast a ballot.

These may seem like innocuous provisions, but in reality they will create an unprecedented regime of disenfranchisement targeting our Nation's traditionally underrepresented voters.

For over forty years, the Lawyers' Committee for Civil Rights Under Law has fought the poisonous specter of discrimination through litigation, advocacy, and organizing. Our foundation rests on ensuring that all eligible voters have the opportunity to cast a meaningful ballot. Our legacy is why we are committed to opposing unnecessary restrictions that disenfranchise voters such as Congressman Hyde's bill. In Georgia and Arizona, the Lawyers' Committee is counsel for eligible citizens who will be disfranchised by similar, state initiated, provisions.

Representative Hyde's bill is undemocratic, unfair, and unconstitutional because it:

- Places an unconstitutional burden on the fundamental right of eligible citizens to participate equally in the democratic process;
- Constitutes a poll tax;
- Unfairly removes eligible voters from the electoral system, primarily from traditionally disfranchised communities;
- Is impossible for states to administer; and
- Attempts to address a problem that does not exist.

As the United States District Court for the Northern District of Georgia found in *Common Cause* v. *Billups*, 406 F, Supp. 2d 1326 (N.D.Ga. 2005), when considering a Georgia law requiring ID at the polls, photo identification requirements unconstitutionally burden the fundamental right to vote of eligible American citizens. The court found that these provisions disproportionately affect traditionally disenfranchised voters, including senior citizens, minority voters, poor voters, disabled and young voters. Mr. Hyde's bill goes even further by requiring proof of citizenship when registering to vote; adding another layer of unnecessary restrictions on eligible voters.

As the court found in *Common Cause* v. *Billups*, requiring photo identification at the polls amounts to an unconstitutional poll tax. The Lawyers' Committee fought for the Twenty Fourth Amendment, which brought to an end a shameful period in our nation's history by outlawing the poll tax; resurrecting it, as H.R. 4844 most certainly will do, leads us down that dark path once again.

Proponents of photo identification provisions at the polls and proof of citizenship when registering to vote claim that these draconian constraints are necessary to guard against identity fraud at the nation's polling places; the truth, however, tells a far different story. Proponents of ID and proof of citizenship requirements have been unable to point to any credible evidence that eligible voter impersonation or non-citizen voting is anything but an anomaly. In fact, according to the United States Department of Justice, out of 196,139,871 votes cast since 2002, only 52 voters were convicted of federal election fraud. Similar studies by the League of Women Voters of Ohio and by a joint task force of state and federal law enforcement in Wisconsin, found a similar diminutive number of ineligible voters. The numbers of non-citizens who attempt to participate in the system is similarly miniscule. In most cases, those non-citizens who do end up on the voter registration rolls found

their way onto the list through misinformation, not malice. This type of fraud plays no role in influencing the outcome of elections.

Implementing H.R. 4844, however, will certainly have an impact on the outcome of elections by unnecessarily, unfairly, and unconstitutionally removing eligible voters from the process. According to the U.S. Department of Transportation, 6–12 percent of eligible voters do not have the identification required by Mr. Hyde's bill. The Secretary of State of Georgia who recently investigated the impact Georgia's proposed ID law will have on the citizens in her state found that nearly 700,000, about 1 in 7 registered voters, do not have either a driver's license or non-driver state issued ID. In many states, obtaining this type of identification is costly and difficult especially for those who cannot get to often remote issuing agencies.

While H.R. 4844 is bad for all Americans, it has a disproportionate impact on traditionally disenfranchised voters. For example, a University of Wisconsin study found that in Milwaukee nearly 50 percent of African American and Latino men did not have government issued photo identification. Seniors in Georgia are similarly unfairly targeted by these laws. According to the AARP, 36 percent of voters in Georgia over the age of 75 do not have government issued photo identification. The American Association of People With Disabilities estimates that nearly 4 million disabled Americans would not be able to cast a ballot under the regime set up by H.R. 4844. Students and low-income Americans will be similarly disenfranchised. Native Americans living on tribal lands often do not have street addresses, and centuries-long cultural traditions prevent many in Indian Country from having their picture taken.

While ID requirements will lead to unprecedented national disenfranchisement, proof of citizenship requirements are even more unworkable. To date, Arizona is the only state that has implemented a proof of citizenship requirement for voter registration and the results are devastating. Maricopa County, the largest county in the state, routinely rejects 30 percent of all voter registrations because they lack a proof of citizenship. In addition to being discriminatory, this lacks common sense. Americans are not in the habit of carrying proof of citizenship. In fact, many of us do not even have it. According to the Bureau of Consular Affairs, only 25–27 percent of eligible Americans have passports, the most common proof of United States citizenship. Those who cannot afford the $97 it costs to obtain a passport must be able to produce a valid, state issued birth certificate which can cost up to $40. While Americans may not be able to locate their birth certificates, many were never issued one. Many older Americans have never been issued a state birth certificate, particularly African Americans seniors born in the south. Of course, only naturalized citizens receive naturalization papers. Replacing or obtaining any of these documents takes money, time and, frequently, travel—all of which the constitution does not envision as prerequisites voting.

In the past decade, we have seen exceedingly close federal elections. These hotly contested national contests have exposed the crumbling infrastructure of our electoral system. Americans are demanding change and there is plenty that needs to be done, but instead of trying to confuse these feelings with fabricated flaws in the

democratic process, it is Congress's responsibility to ensure that we have a model system of choosing our elected officials. We must seriously address the real problems with how we conduct our elections. Instead, passing H.R. 4844 will dishonor the Americans of generations past as well as our heroes of today who have risked their lives to promote our commitment to a responsive democracy around the world. Americans deserve your attention on making the system more dynamic and responsive, not on removing countless eligible Americans in search of phantoms of fraud.

Sincerely,

BARBARA R. ARNWINE,
Executive Director.

PEOPLE FOR THE AMERICAN WAY,
August 3, 2006.

House Administration Committee,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 900,000 members and activists of People For the American Way, we urge you to stand up for the right of all citizens to fully participate in our democratic society and oppose measures, such as Proposition 200 or other proof of citizenship or voter 10 requirements, that seek to erect barriers to the ballot. Our American democracy is one of inclusion that thrives on the diversity of our populace and the full participation of its citizenry. Overly burdensome and unnecessary voter ID and proof of citizenship requirements are an anathema to this ideal and only serve to alienate and disenfranchise eligible citizens.

Election Fraud

Fraud takes many forms. While proponents of Proposition 200 and other voter 10 requirements claim to be addressing the existence of massive "voter fraud," particularly by illegal immigrants, to date, there are no credible reports of significant fraud to support the need for such restrictive proposals. While it is true that the integrity of the electoral process must be protected, this can only be done by addressing actual problems that truly serve to undermine voter confidence. This necessarily includes procedures and actions by individuals and election administrators that will prevent eligible voters from participating in the electoral process. Voter intimidation and harassment of voters at the polls are some of the more obvious forms of activities that disenfranchise voters and contribute to fraud in our election process. Other actions such as election officials removing eligible voters from the registration rolls, the destruction of voter registration cards because of registrants' political affiliation, or the mass challenging of minority voters at the polling places are other fraudulent activities that must be addressed. Any definition that is not sufficiently broad to include such activities prevents decision makers from devising appropriate solutions.

Proof of Citizenship Requirements

Proof of citizenship requirements are unnecessary. Those registering to vote are already required to take an oath of citizenship.

The extra requirement for providing documents only creates an additional hurdle for voters.

Unfortunately, proposals to require proof of citizenship are often a way to disguise racist and anti-immigrant sentiment and only serve to disenfranchise eligible citizens. This is because proponents know that proof of citizenship requirements are impossible for members of some communities to acquire and very hard for others. For instance, in certain parts of the country, elderly African Americans and many Native Americans were born at home, under the care of midwives, and do not possess birth certificates. People of color, people with disabilities, elderly people, young people, and low-income citizens are among the demographic groups least likely to have documents in their possession to prove citizenship. Furthermore for victims of natural disasters like hurricane Katrina it may be impossible to obtain birth certificates or other documents because they have been destroyed.

Legislation such as the Voting Rights Act of 1965 and the Help America Vote Act have made it easier for all citizens to vote, and have resulted in increased voter participation by Latinos and other minorities. This progress should be continued and we should not allow retrogressive proposals like Proposition 200 or others to turn back the progress of these significant civil rights laws.

Voter Identification Requirements

Restrictive voter ID requirements are similarly unnecessary and harmful. Like proof of , citizenship requirements, such voter ID requirements impose a severe burden and are likely to disenfranchise poor, minority, elderly and young voters, who are less likely to have photo identification and move more frequently. The data is clear:

- Approximately 6 to 10 percent of the American electorate does not have any form of state identification.
- African Americans are four to five times less likely than whites to have photo identification.
- Young adults (age 20–29) move almost 6 times more frequently than adults over 55, and minorities move 50 percent more frequently, than whites.
- In Georgia, it is estimated that nearly 40 percent of seniors lack photo identification.

Instead of addressing unsubstantiated voter fraud, such restrictive voting measures erect barriers to the ballot and are likely to be enforced in discriminatory ways against poor and minority voters to intimidate, misinform, stigmatize, and ultimately suppress the vote.

Real Solutions

Even if fraud were a problem, there are positive steps that states can take to lessen the threat of fraud and protect the integrity of the ballot box without risking disenfranchising voters, such as implementing statewide voter registration databases as mandated by HAVA. Additional "fraud-protection" measures could include accurate cleansing of voter registration rolls, verification of voters' unique identifying numbers, in-person affirmation, signature com-

parison, and finally, the vigorous prosecution of any cases of election fraud. These are real solutions to actual documented problems.

Conclusion

Since the 2000 Presidential Election, our sister organization, People For the American Way Foundation has been a leader in the Election Protection Coalition along with its allies the Lawyers' Committee for Civil Rights under Law and the NAACP. Integral to Election Protection was the deployment of thousands of volunteers across the country to serve as poll monitors to assist voters and document the problems voters faced as they attempted to exercise their right to vote. The data collected from volunteers and voters through reports from the field and through the Election Protection Hotline clearly evidence a need for election officials to address the real problems created by voter harassment and intimidation, the lack of machines at low-income and minority poll sites, improperly trained poll workers and the creation of overly burdensome voter registration procedures by partisan election officials just to name a few. These are the real problems that deserve the priority of election officials. Only then, can we truly maintain the integrity of our electoral system and protect the right to vote of all eligible citizens. Voter ID and proof of citizenship proposals are simply forms of a 21st century poll tax that have no business in our electoral process. The right to vote is fundamental and Congress should be focused on ways to open the franchise to all eligible citizens. PFAW looks forward to working with Congress to protect this right to vote for all Americans.

Sincerely,

RALPH G. NEAS,
President.
TANYA CLAY HOUSE,
Director, Public Policy.

PROTECT THE RIGHT TO VOTE,
August 2, 2006.

Hon. VERNON EHLERS, *Chairman,*
Hon. JUANITA MILLENDER-MCDONALD, *Ranking Member,*
Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: We the undersigned organization write to urge the United States House of Representatives Committee on House Administration to fully consider the disenfranchising effects of Arizona's Proposition 200. Already, Proposition 200 has forced election officials to prevent thousands of voters from being included on voter registration rolls because they did not produce proof of citizenship, including many eligible voter registration applicants. Proposition 200 will also disenfranchise countless eligible Arizonans during this fall's critical election cycle by requiring strict voter identification at the polling place. These restrictive provisions are rationalized by a few anecdotal stories of ineligible voters casting a ballot; however, all evidence suggests current state, federal and local laws have been successful in preventing this deplorable

behavior while protecting the fundamental rights of eligible citizens.

Unlike the isolated incidents of ineligible people attempting to vote, the disfranchising effects of proof of citizenship and restrictive voter identification requirements will make American elections less secure by unfairly influencing election results. The bottom line is Proposition 200 is terrible for Arizona; expanding its reach will be devastating for our country. As a partnership between Arizonans and national advocates who are dedicated to ensuring that all eligible citizens have an equal opportunity to participate in the political process, we write in opposition to the expansion of Proposition 200. We urge this committee to focus its attention on safeguarding the opportunity of all eligible Americans to meaningfully participate in the political process and not to restrict the rights of our fellow citizens based on exceedingly rare occurrences of ineligible voters casting a ballot.

Photo ID and proof-of-citizenship requirements *may sound* on the surface like a good idea. There is nothing wrong, in and of itself, with taking steps to ensure that voters are eligible to vote and that they are who they claim to be. But the provisions of Proposition 200 are a misguided approach that inherently disenfranchises large numbers of legal voters. We call your attention to a number of reasons why, instead of safeguarding elections, strict ID and proof-of-citizenship requirements will ultimately undermine confidence in the fairness of the outcomes:

Proof-of-Citizenship Requirements: A 21st Century Poll Tax

Citizens should not have to pay a fee to register to vote. Proof-of- citizenship requirements invariably put the burden—including the financial burden—on citizens themselves. While it would be ideal if all U.S. citizens had documents such as a passport, a birth certificate, or naturalization papers readily available, the truth is that many do not—which means that many citizens would have to pay for them.

A birth certificate usually costs $10 to $15. According to the Department of Bureau of Consular Affairs, only 25–27 percent of eligible Americans have passports, which now cost $97. Naturalization papers, if they are lost or damaged and need to be replaced, cost $210. Proof-of-citizenship requirements generally do not help citizens who don't have the money to pay for these documents. This means that exercising the constitutional right to vote can become "unaffordable" for many citizens which is completely unacceptable in a democratic society that relies upon full participation of its citizenry.

Proof of citizenship may be impossible for some people to obtain, and very hard for others. In certain parts of the country, for example, elderly African Americans and many Native Americans were born at home, under the care of midwives, and do not possess birth certificates. People of color, people with disabilities, the elderly, young, and people who live in poverty are among the groups least likely to have documents to prove they are U.S. citizens.

Proof-of-citizenship requirements are working—to keep legal voters from registering. Since Arizona implemented Prop 200, more than 15,000 voter registration applicants have been rejected in

Maricopa County alone for failure to provide proof of citizenship. In Pima County, sixty percent of new registrants—all eligible voters—were initially rejected. Similar proof-of-citizenship requirements, if imposed in other state or by Congress, would result in eligible voters being turned away on a nationwide scale.

Current laws work when properly enforced. Falsely claiming citizenship and voting fraudulently have long been federal offenses. Proof-of-citizenship requirements will only penalize U.S. citizens who want to exercise their right to vote.

Voter Fraud: A Surprisingly Rare Problem

There is no question that election misconduct exists, including improper purges of eligible voters, distributing false information about when and where to vote, stuffing of ballot boxes, and tampering with registration forms. But there is no evidence that the type of fraud cited in support of photo ID requirements—individual voters who misrepresent their identity at the polls—is anything but an anomaly.

- In Ohio, a statewide survey found four instances of ineligible persons voting or attempting to vote in 2002 and 2004, out of 9,078,728 votes cast—a rate of 0.00004 percent.
- Despite the invocation of fraud as support for the new Georgia law, Secretary if State Cathy Cox stated that in her ten-year tenure, she could not recall one documented case of voter fraud involving the impersonation of a registered voter at the polls.
- Nationwide, since October 2002, 86 individuals have been convicted of federal crimes relating to election fraud (including several offenses not remedied by ID requirements), while 196,139,871 ballots have been cast in federal general elections.

Voter ID Requirements: Discouraging Voters, Enabling Discrimination

Restrictive voter ID requirements are more likely to disenfranchise people of color, the elderly, individuals with disabilities, rural voters, young people, the homeless, low-income people, frequent movers, married women, and persons in large households. A recent study by the Georgia Secretary of State found that nearly 700,000 Georgians—1 in 7 voters—do not have either a driver's license or non-driver state issued, ID, and the Department of Transportation estimates that between 6–12 percent of voters nationally do not have government issued photo ID. A number of other studies have documented that certain segments of the population are far less likely to have photo ID than other Americans. A Univ. of Wisconsin study found that nearly 50% of African American and Latino men in Milwaukee do not have government-issued photo ID.

Restrictive ID requirements are the equivalent of a poll tax. This was, in fact, reiterated by the federal district court during the debate over Georgia's new Photo ID requirement. By mandating that voters provide photo identification, most ID laws would require voters to pay for photo ID, if they don't already have it. Getting the required forms of ID, such as drivers' licenses and passports, costs money and time away from work—and transportation is particularly complicated for voters with disabilities. The same is true of

getting the supporting documents required to obtain ID. As a result, not all eligible voters in this country can afford to purchase photo ID, and few legislative proposals suggest any realistic way to help them out.

Even if they have valid ID, many eligible voters will be turned away. Voter ID requirements place an inordinate amount of discretion in the hands of overworked (and usually unpaid and sometimes poorly trained) poll workers. Deciding whether a voter matches or does not match the photo in an ID card—which can often be many years old—is a very subjective process and easily prone to mistakes or worse. Because many voter ID laws do not explain how disputes over the validity of an ID card should be handled, and because they often keep voters who don't have "valid" ID from obtaining provisional ballots, they can easily open the door to widespread racial and ethnic discrimination at polling places. Even under the more lenient requirements of the Help America Vote Act, ID provisions are often implemented in a discriminatory way. According to the nation's largest nonpartisan exit poll of Asian Americans, nearly 70% of Asian voters were asked for ID in states where 110 ID was required.

Voters with valid ID can be turned away for more benign reasons as well. If an ID card such as a driver's license does not contain the voter's current address, for example, which is true of millions of Americans, he or she is likely to be turned away from the polls. In Wisconsin, 97% of all students do not have their current address on their photo ID. If an eligible voter forgets to bring ID, some jurisdictions would keep him or her from obtaining a provisional ballot (and proving his or her identity before the ballot is counted). In doing so, they undermine an important "safety net" under the Help America Vote Act.

Conclusion

As evidenced most recently by our strong and enthusiastic support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, our organizations believe that the right to vote, and to have votes accurately counted, is the most important civil right of all. Rigid and costly voter ID and proof-of-citizenship requirements, while appealing on the surface, represent one of the greatest threats to fair and equal voting rights today. As such, we urge you to join us in strongly opposing any proposal—such as the Carter-Baker Commission recommendations, H.R. 4844, or similar measures in the states—that would in practice amount to a poll tax and erect barriers to the ballot against lawful voters. We should be in the business of encouraging full participation of our citizenry and not developing ways to limit the right to vote.

Thank you for your consideration. If you have any questions, please contact Linda Brown of the Arizona Advocacy Network, Jonah Goldman of the Lawyers' Committee for Civil Rights Under Law or Rob Randhava of the Leadership Conference on Civil Rights.

Sincerely,

National Civil & Voting Rights and Labor Organizations:

ACORN.

Advancement Project.
Alliance for Retired Americans.
American Civil Liberties Union.
American Federation of Labor—Congress of Industrial Organizations (AFL–CIO).
Asian American Justice Center.
Asian American Legal Defense and Education Fund.
Asian and Pacific Islander American Vote (APIA Vote).
Brennan Center for Justice at NYU School of Law.
Common Cause.
Demos: A Network for Ideas & Action.
Hispanic Federation.
Japanese American Citizens League (JACL).
Lawyers Committee for Civil Rights Under Law.
Leadership Conference on Civil Rights.
Mexican American Legal Defense and Educational Fund.
National Association for the Advancement of Colored People (NAACP).
National Council of La Raza.
National Disability Rights Network.
National Education Association.
National Korean American Service & Education Consortium.
National Voting Rights Institute.
People For the American Way.
Service Employees International Union (SEIU).
Sikh American Legal Defense and Education Fund (SALDEF).
Unitarian Universalist Association of Congregations.
United Church of Christ Justice & Witness Ministries.
United Methodist Church, General Board of Church and Society.
U.S. PIRG.
State/Local Civil & Voting Rights and Labor Organizations:
Aguila Youth Leadership Institute.
American Civil Liberties Union of Arizona.
Arizona Advocacy Network.
Arizona Consumers Council.
Arizona Hispanic Community Forum.
Arizona Students' Association.
Emigrantes Sin Fronteras.
Interfaith Worker Justice of Arizona.
Intertribal Council of Arizona.
La Union Del Pueblo Entero (LUPE).
League of Women Voters of Greater Tucson.
New York Public Interest Research Group, Inc./NYPIRG.
Project for Arizona's Future.
SEIU Local 5 Arizona.
Somos America/We Are America.

MARY G. WILSON,
LEAGUE OF WOMEN VOTERS OF THE UNITED STATES,
July 20, 2006.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: H.R. 4844, the so-called "Federal Election Integrity Act of 2006," introduced by Representative Hyde (R IL), would create new barriers to voting by

eligible citizens by requiring photo identification at the polling place and documentary proof of citizenship in the voter registration process. The League of Women Voters strongly urges you to oppose H.R. 4844.

As an organization that conducts voter registration throughout the country and that encourages voter participation by all citizens, the League is deeply concerned that H.R. 4844 would undermine our own activities as well as those of other organizations and individuals seeking to boost citizen participation in our nation's democracy.

Voting is the most fundamental expression of citizenship. The expansion of the franchise to include all Americans regardless of race, ethnicity or sex is one of the great successes in the evolution of American democracy. Breaking down barriers to citizen voter participation—from literacy tests to the poll tax has been a constant battle for those who believe that every citizen should be able to exercise their right to vote.

H.R. 4844 would turn back the clock and erect unnecessary barriers to voter participation. Many Americans simply do not have documentary proof of citizenship and photo ID that would allow them to exercise their right to vote if H.R. 4844 were to become law. A recent study by the Secretary of State of Georgia reports that nearly 700,000 of Georgia's registered voters do not have either a driver's license or a state-issued ID. This is consistent with national figures from the Department of Transportation estimating that 6–12 percent of voters nationally do not have government-issued photo ID.

The costs of obtaining proof of citizenship and photo ID would discourage voter participation. Some have appropriately likened such requirements to the poll tax because of the costs of obtaining a driver's license or passport. Supporting documents for ID, such as a birth certificate, can also impose real costs in both time and money.

Photo ID requirements disproportionately affect the elderly, young people, racial and ethnic minorities, persons with disabilities and others. A number of studies have shown that certain segments of the population are far less likely to have ID than other Americans.

The implementation of ID requirements can cause problems for eligible voters. In Indiana, veterans were blocked from voting when poll workers refused to accept their Veterans Administration medical cards as sufficient ID. In addition, the process of determining whether a person matches their photo ID can be very subjective and open to discrimination.

Again, the League of Women Voters urges you to oppose H.R. 4844.

PROTECTION AND ADVOCACY, INC.
Sacramento, CA, July 11, 2006.

Hon. VERNON J. EHLERS, *Chairman,*
House Administration Committee, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD, *Ranking Member,*
House Administration Committee, Washington, DC.

DEAR HON. VERNON J. EHLERS AND HON. JUANITA MILLENDER-MCDONALD: Protection and Advocacy Inc (PAI) is a non-profit agency which, since 1978, has been advocating for and representing the legal and human rights of Californians with disabilities. PAI is writing in strong opposition to H.R. 4844 for the adverse impact it will bear on this disenfranchised community.

Just as Congress, through the enactment of the Help America Vote Act has responded to our nation's demand to remove the structural inequities to the electoral process, H.R. 4844, under the guise of electoral reform, will be setting up new roadblocks for many communities, including individuals with disabilities, to exercising their most precious and fundamental constitutional right in our democracy—the right to vote. The bill's requirement that all eligible voters in the country must produce proof of citizenship in order to register to vote and a photo ID in order to cast their ballot may appear innocuous. But when considered in light of its unsupported premise and the actual harm it is certain to cause, the bill should be withdrawn.

H.R. 4844 is predicated on a notion that there is widespread voter fraud across the country caused by the illegal participation of persons not eligible to vote. Aside from its unfortunate racial/cultural insinuations, the bill's foundation lacks veracity. Its proponents cannot point to either a government or a reliable privately-generated report or study establishing the presence of nationwide electoral irregularities, and particularly the alleged prevalence of voter fraud by non-citizens, necessitating draconian measures as those envisioned in H.R. 4844.

H.R. 4844 will also have harmful consequences for individuals with disabilities. People with disabilities continue to rank among the most disenfranchised people in our society. While recently, increasing attention is being paid to the identification of the socia-economic reasons for this disenfranchisement, there is a long road ahead for reversing the course on this systemic problem. And, H.R. 4844 will only exacerbate this electoral disempowerment.

First, there are the problems of segregation. Because of their disability and a social system that cannot address their unique needs in an integrated environment, vast numbers of individuals with disabilities live in institutions or restrictive living arrangements. For many individuals with disabilities, both physical and social isolation is an unfortunate norm in their daily life. They have little, and often no, access to general information about even the day-to-day events that occur in society, let alone the latest burdensome elections requirements of H.R. 4844. Most will likely learn about these additional requirements only at a future election when their request to register to vote is denied or when they are prevented from casting their ballot at the polls.

Isolation typically comes at a high cost to these individuals as they lack both personal resources and the assistance that could compensate for that deficiency in order to manage and deal with personal affairs, papers and effects. For persons living in seclusion, locating and rummaging through personal files in search of proof of citizenship and a photo ID, which they have had no occasion to need, is typically not feasible. Likewise for them, attempting to apply for a lost birth certificate or a new passport for which they must navigate through government agencies and procedures, which most people in society find daunting, is an impossible task. The lack of accessible transportation options compounds this problem. The consequence of H.R. 4844 for these and so many others who face similar barriers will thus be further alienation from the electoral process.

Added to the difficulties with replacing proof of citizenship is the cost associated with it. Regrettably, many people with disabilities still live on wholly inadequate public assistance programs, particularly supplemental security income (SSI), which pays for the most basic and lowest standard of living in our society. In California, SSI recipients struggle to afford just their ever-increasing housing costs and often have nothing left for expenses not related to daily necessities such as the cost of replacing a birth certificate or acquiring a passport. The same is true for those living in health care facilities who only receive a very small monthly personal expense allowance. H.R. 4844 will therefore have a significant chilling effect as individuals on public assistance cannot, and will not, sacrifice meeting their daily living needs just to obtain one or more documents that they have never had to have in order to exercise their constitutional right to choose their representatives.

For these reasons, we oppose H.R. 4844 and urge all interested persons to voice their oppositions to this very harmful bill.

Sincerely,

TAYMOUR RAVANDI, ESQ.

AARP,
June 27, 2006.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, House Administration Committee,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MILLENDER-MCDONALD: AARP submits this letter for the record of your Committee hearing on June 22, 2006, regarding voter ID requirements for elections. AARP has a longstanding commitment to full citizen participation in the democratic process at the federal, state and local level, and 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.

In addition, AARP attorneys represent U.S. citizens aged 50+ who are in danger of disenfranchisement at the federal or state level, and AARP has participated in various advisory capacities to

support citizen empowerment through meaningful opportunity to exercise the franchise.

AARP attorneys are currently serving as one of the counsel for plaintiffs in lawsuits challenging—burdensome and unreasonable state laws in Georgia (GA) and Arizona (AZ). These laws will, in effect, limit rather than expand citizen participation in the electoral process through unnecessarily restrictive requirements. In these jurisdictions, state legislatures or ballot initiatives have sought to enact laws that have elevated proof requirements for voters to register (AZ) and to vote in person (GA and AZ). These laws are based on assertions of a threat of fraud which lack concrete basis in fact and unfortunately serve to heighten tensions among voters divided by race, language and ethnicity. These new state laws and implementing rules will 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 never have 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. For example, an estimated 675,000 registered voters in GA have no driver's license, according to Georgia's Secretary of State. 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). At a time when democratic elections are being conducted for the first time in many nations throughout the world, any unnecessary erosion in access to the ballot in the world's oldest electoral democracy should be unacceptable. 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 trampled in an effort to address unproven allegations of voting abuse.

Sincerely,

DAVID P. SLOANE,
Senior Managing Director,
Government Relations and Advocacy.

COMMON CAUSE,
June 26, 2006.

Chairman VERNON EHLERS,
Ranking Member JUANITA MILLENDER-MCDONALD,
House Administration Committee,
Washington, DC.

DEAR REPRESENTATIVES EHLERS AND MILLENDER-MCDONALD: We, the "undersigned groups, are writing to communicate our opposition to the bill introduced by Representative Henry Hyde, H.R. 4844, the "Federal Election Integrity Act of 2006," which would require a national ID in order to be able to vote.

This bill is a "solution" in search of a problem. No election-fraud research has pointed to a significant problem vis-a-vis illegal aliens attempting to vote.

However, this bill does include a number of provisions that will diminish the ability of American citizen to legitimately participate in the voting process. In states with Election Day Registration—which enjoy higher than average voter turnout—this would prove to be an enormous bureaucratic headache, as clerks and registrars are forced to assess the validity of citizenship papers, a task for which they are not currently trained.

The requirement to present a national identification card when voting turns election workers, the vast majority of whom are temporary employees or volunteers, into a virtual police force empowered to bar Americans from exercising their right to vote. Lines outside polling places would become much longer, ultimately driving down turnout, as those who cannot devote several more hours of their day to voting simply will not vote at all. Additionally, the requirements in this bill would also abridge the independence of states in setting their own ID requirements.

There is no federal statute allowing states to demand voters disclosure their Social Security numbers. Forcing Americans to get a photo ID (state drivers' licenses are invariably tied to an SSN) to vote is akin to requiring Americans disclose their SSN to vote—which would be a clear violation of Section 7 of the federal Privacy Act of 1974.

If someone or some group is motivated enough to want to participate illegally in a U.S. election, chances are they will find a way of getting the necessary documents. Meanwhile, Americans will struggle to find long-ago issued social security cards, birth certificates, or even get fingerprinted by the local DMV under orders from Homeland Security. Let us not forget the 9/11 hijackers were in this country legally, and had legally obtained documents.

With a huge number of U.S. citizens already choosing not to vote, it seems counterproductive to put even more hurdles in their way. There are better ways to get a handle on the immigration problem than forcing Americans and state governments to jump through even more regulatory hoops.

Sincerely,

American Policy Center.
The Multiracial Activist.
Ohio Taxpayers Association & OTA Foundation.
Fairfax County Privacy Council.
Velvet Revolution.
Cyber Privacy Project.
Republican Liberty Caucus.
The Rutherford Institute.
Computer Professionals for Social Responsibility (CPSR).
Concerned Foreign Service Officers.
Common Cause.
www.libertycoalition.net.
www.commoncause.org.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 22, 2006.

Hon. VERNON J. EHLERS,
Chairman, House of Representatives,
Committee on House Administration, Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD
Ranking Member, House of Representatives,
Committee on House Administration, Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: As Hispanic Members of Congress, we would like to express our concerns with the hearing entitled, *"You don't need papers to vote? Non-Citizen Voting and ID Requirements in U.S. Elections."* It is regrettable that in selecting this title for the hearing, two non-related issues are now linked in the public's mind— non-citizens and voting fraud, to create controversy where none exists.

We hold a longstanding opposition to identification requirements as part of the voting process. For some time now, we have heard of the need for a photo identification requirement as a necessary tool to combat fraud. However, there is no evidence that widespread fraud occurred in any recent election, in particular any linked to non-citizens voting in federal elections.

While a photo identification requirement at the polls seems entirely reasonable, it is important to note that some people simply do not possess photo identification. For example, in the Latino community, there are many low-income households in which no one possesses a car, and certainly not a driver's license, let alone a passport. There are people in such households who do not even possess alternatives to photo identification, such as utility bills or government checks in their name. For such low-income individuals, the cost of obtaining photo identification is itself a burden, and such a requirement is reminiscent of past barriers to voting.

Requiring any form of identification at the polling place would inevitably create similar barriers and hurdles for racial and ethnic minority voters and would have a chilling effect on voter participation. Identification provisions have rightfully been prohibited because of the disparate impact they have on minority electoral participation. In addition, it would have a devastating effect on rural voters, as well as the elderly and disabled. As responsible policy makers, we need to consider whether the proposed remedy to a problem will cause greater harm than good.

Rep. Hyde's legislation, H.R. 4844, goes further than simply requiring photo identification and seeks to amend the P.L. 103–31, the National Voter Registration Act (NVRA), to make proof of citizenship a federal requirement for voting in states that require registration. This presents several problems in that if improperly implemented, a voter ID law would likely violate other federal voting rights laws such as the Voting Rights Act of 1965 and the Help America Vote Act of 2002. In addition, states would have to create new forms and a new system to capture registrations by mail, otherwise they would be non-compliant with the law the bill intends to amend, NVRA. Moreover, it would fail to stop fraud that could occur via mail-in voting or by the use of absentee ballots.

Currently, federal voter registration forms allow persons to attest to the fact that they are citizens. If H.R. 4844 were implemented, the requirements would be akin to imposing a modern-day poll tax because citizens would now have to pay to secure documents to prove what they have already confirmed via attestation, that they are indeed citizens. For persons of limited means, the prospect of spending $85 for a passport or time locating a birth certificate could easily discourage them from voting at all. In the case of naturalized citizens, who might attempt to register to vote by mail, this requirement would serve as a deterrent. The certificate of citizenship they receive from the Department of Homeland Security, which they would have to submit as proof, says on its face, "IT IS PUNISHABLE BY U.S. LAW TO COPY, PRINT, OR PHOTOGRAPH THIS CERTIFICATE WITHOUT LAWFUL AUTHORITY." Any naturalized citizen would be in violation of one law in an attempt to comply with another. No individual should be put in a position to have to make that choice.

We urge you to consider the risks inherent in identification requirements and to oppose this bill.

Sincerely,

Charles A. Gonzalez.
Grace Flores Napolitano.
Ruben Hinojosa.
Joe Baca.
Hilda Solis.
Luis V. Gutierrez.
Raul M. Grijalva.
Linda Sánchez.

SEIU,
Washington, DC, June 21, 2006.

Hon. VERNON EHLERS,
Chair, House Administration Committee,
Washington, DC.

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, House Administration Committee,
Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD:

On behalf of the Service Employees International Union's (SEIU) 1.8 million members, I urge you to oppose the "Federal Election and Integrity Act of 2006" (H.R. 4844) sponsored by Representative Henry Hyde. This bill overreaches in its attempts to deal with the surprisingly rare problem of voters misrepresenting their identity at the polls. H.R. 4844 proposes extreme solutions that would result in the disenfranchisement of thousands of voters and will undermine confidence in election outcomes.

Voter Fraud: A Surprisingly Rare Problem

There is no question that election misconduct exists, including improper purges of eligible voters, distributing false information about when and where to vote, stuffing of ballot boxes, and tampering with registration forms. But there is no evidence that the

type of fraud cited in support of photo ID requirements—individual voters who misrepresent their identity at the polls—is anything but an anomaly.

- In Ohio, a statewide survey found four instances of ineligible persons voting or attempting to vote in 2002 and 2004, out of 9,078,728 votes cast—a rate of 0.00004 percent.
- Despite the invocation of fraud as support for the new Georgia law, Secretary of State Cathy Cox stated that in her ten-year tenure, she could not recall one documented case of voter fraud involving the impersonation of a registered voter at the polls.
- Nationwide, since October 2002, 52 individuals have been convicted of federal crimes relating to election fraud (including several offenses not remedied by ID requirements), while 196,139,871 ballots have been cast in federal general elections.

Photo ID Requirements: Discouraging Voters, Enabling Discrimination

Photo ID requirements disproportionately impact people of color, rural voters, young people, the homeless, low-income people, the elderly, individuals with disabilities, frequent movers, and persons in large households. A recent study by the Georgia Secretary of State found that nearly 700,000 Georgians—1 in 7 voters—do not have either a driver's license or a non-driver state issued ID and the Department of Transportation estimates that between 6–12 percent of voters nationally do not have a government issued photo ID. A University of Wisconsin study found that nearly 50% of African American and Latino men in Milwaukee do not have government issued photo identification.

Requiring photo ID of voters is the equivalent of a poll tax. By mandating that voters provide photo identification, H.R. 4844 would require voters to pay for photo ID, if they don't already have it. Getting photo ID, such as drivers' licenses and passports, costs money and time. The same is true of the supporting documents required to obtain photo ID. Not all eligible voters in this country can afford to purchase such ID, and H.R. 4844 doesn't suggest helping them out.

Even if they have photo ID, many eligible voters will be turned away. Photo ID requirements place an inordinate amount of discretion in the hands of overworked (and usually unpaid) poll workers. Deciding whether a voter matches or does not match the photo in an ID card—which can often be many years old—is a very subjective process and easily prone to mistakes or worse. Because H.R. 4844 does not explain how disputes over the validity of an ID card would be handled, and because it would keep voters who don't have "valid" ID from obtaining provisional ballots, it could easily open the door to widespread racial and ethnic discrimination at polling places. Even without H.R. 4844, ID provisions are often implemented in a discriminatory way. According to the nation's largest nonpartisan exit poll of Asian Americans, nearly 70% of Asian voters were asked for ID in states where no ID was required.

Voters with photo ID will likely be turned away for more benign reasons as well. If an ID card such as a driver's license does not contain the voter's current address, for example, which is true of

millions of Americans, he or she is likely to be turned away from the polls. In Wisconsin, 97 percent of all students do not have their current address on their photo identification. If an eligible voter forgets to bring identification, H.R. 4844 would keep him or her from obtaining a provisional ballot and proving his or her identity on a later date before the ballot is counted. As such, it would undermine an important "safety net" established under the Help America Vote Act.

Current laws target voting fraud—new proof of citizenship requirements do not

Proof of citizenship requirements are working—to keep legal voters from registering. In the first six months of 2005, as a result of Arizona's Proposition 200, more than 5,000 Arizona citizens had their voter registrations rejected for failing to provide adequate proof of citizenship.[1] In Pima County, 60 percent of new registrants—all eligible voters—were initially rejected. The similar proof of citizenship requirement in H.R. 4844 would result in eligible voters being turned away on a nationwide scale.

Current laws are already extremely tough on noncitizens who try to vote. Falsely claiming citizenship and voting fraud have long been federal offenses. In addition, ever since U.S. immigration laws were reformed in 1996, immigrants who try to vote are automatically given a one-way ticket out of the country, with no criminal conviction necessary. Proof of citizenship requirements will only penalize U.S. citizens who want to exercise their right to vote.

Americans believe strongly that Election Day provides an opportunity to actively engage their leaders and voice their concerns. Risking the foundation of our democracy is too great a cost to pay when the evidence does not substantiate the claims the "Federal Election and Integrity Act of 2006" purports to fix.

SEIU is available to work with the Committee to address real reforms that would help improve our elections systems. Please contact, Stephanie Luongo, with any questions.

Sincerely,

ALISON REARDON,
Director of Legislation.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 21, 2006.

Hon. VERNON J. EHLERS,
Chairman, Committee on House Administration,
Washington, DC.

DEAR CHAIRMAN EHLERS: On behalf of the Democratic Women's Working Group, we write to bring to your attention an unintended consequence of various proposals before your Committee, which are intended to eliminate fraud in Federal elections.

We strongly favor anti-fraud provisions which ensure the integrity of Federal elections. It is important, however that such provisions do not place unnecessary obstacles or undue burdens on ordi-

[1] Elvia Diaz and Robbie Sherwood. Prop. 200's Effect Minimal, Arizona Republic, June 5, 2005.

nary citizens—particularly women. Unfortunately, the likely outcome of the various proposals before your committee would be to unnecessarily obstruct legitimate participation by women voters in Federal elections.

For example, a woman who, upon marriage, takes the last name of her husband, would have to produce more documents than her husband in order to register or reregister to vote. A married woman who, upon divorce, uses her birth name thereafter, would potentially have an even greater burden. A poor woman born in a rural setting outside of a hospital might never have received a birth certificate. A woman head-of-household, whose home and records are destroyed by fire, flood, hurricane, or other disaster, may be unable to produce the necessary records to register or vote—not because she is not a citizen—but because of the obstacles these various proposals put in her way. If that working mother had to choose between spending available time and resources obtaining documentation so that her children could attend school, and using the time to document herself so that she can register or vote, she would be forced to sacrifice her own fundamental voting right as an American.

These are not speculative obstacles or situations—they are real and are repeated year in and year out. While preventing fraud in elections is a worthy goal which we support, the Committee must find a way to preclude fraud without obstructing citizens, particularly women, from exercising their Constitutional rights. Obstructing these rights, in the pursuit of a perfect system of election administration, harms women as surely as denying women the right to vote in the first place.

Thank you for taking our views into consideration as your committee proceeds with this issue.

Sincerely,

HILDA L. SOLIS,
Chair, Democratic Women's Working Group.

LOIS CAPPS,
Vice Chair, Democratic Women's Working Group.

MALDEF,
June 21, 2006.

Hon. VERNON EHLERS,
Chairman, House Administration Committee,
Washington, DC.,

Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, House Administration Committee,
Washington, DC.

DEAR CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), and the Southwest Voter Registration Education Project (SVREP), we write to express our strong opposition to the "Federal Election Integrity Act of 2006" (H.R. 4844), sponsored by Rep. Henry Hyde (R–IL). MALDEF is a national legal organization dedicated to protecting and promoting the civil rights

of Latinos in the United States, and SVREP educates Latino communities about the democratic process, the importance of voter registration, and voter participation. Our organizations have grave concerns that the proposed legislation would deny the franchise to untold numbers of American citizens otherwise eligible to vote, and that its burdens would be borne disproportionately by the poor, the elderly, and racial and ethnic minorities.

H.R. 4844 would require, for federal elections beginning in 2006, proof of citizenship from every voter who registers through the National Voter Registration Act (NVRA), who votes in a state that does not require registration, or who registers in a state that allows same-day voter registration. The legislation would also require voters to present photo identification before receiving a ballot including a provisional ballot.

Given the cost and difficulty of obtaining citizenship and identification documents such as passports, birth certificates, or driver's licenses, legislation mandating these documents to register or to vote amounts to an impermissible "poll tax;" it would require otherwise qualified voters to essentially pay a fee as a condition of voting, in violation of the Twenty-Fourth Amendment to the U.S. Constitution. The U.S. Supreme Court, in Harper v. Virginia State Bd. of Elections, noted that voting requirements run afoul of the Constitution whenever they make "the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth."

While the cost of citizenship and identification documents may seem negligible to some, it represents a real burden for many Americans, Americans who are no less entitled than other voters to cast a ballot on Election Day. For the poor, elderly, and for racial and ethnic minorities, H.R. 4844 would erect significant obstacles to participation in the democratic process. Naturalized citizens face particular hurdles: a lost or damaged naturalization certificate costs $210 to replace, and may require a wait of up to six months for processing by the Department of Homeland Security.

Requiring voters to purchase documents in order to exercise the franchise is as much an affront today as it was when the Supreme Court issued its Harper ruling forty years ago. H.R. 4844 presents an unacceptable risk of denying the vote to otherwise eligible voters. At the same time, there is simply no good evidence that voter fraud by non-citizens constitutes a genuine or widespread problem—and certainly not on a scale to justify a response that is so costly, heavyhanded, and discriminatory in effect. In Arizona, where we have filed a legal challenge to a state ballot initiative requiring certain forms of identification at the polls, there is not a single documented case of a non-citizen intentionally and fraudulently registering to vote.

H.R. 4844 would impermissible burden the fundamental right to vote, the basis of our democratic system. On behalf of those Americans who would disproportionately bear this burden, we urge you not to support this damaging proposal.

Sincerely,

SHAHEENA AHMAD SIMONS,
Acting D.C. Regional Counsel, MALDEF.

ANTONIO GONZALEZ,
President, Southwest Voter Registration Education Project.

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