



March 1, 2013

The Honorable Bob Lynn
Alaska State House of Representatives
State Capitol, Room 106
Juneau, AK 99801

Via Email

Re: HB 3: Voter Photographic Identification at the Polls

Dear Representative Lynn:

Thank you for the invitation to provide you with information regarding the potential impact of HB 3 on Alaskans with disabilities. To the best of my knowledge, there are no Alaska-specific studies on this subject. However there are a few national studies that have tried to assess the impact of voter identification laws on various sub-groups of the voting population.

A study conducted by the Brennan Center for Justice at New York University School of Law revealed that as many as 11% of eligible voters do not have government issued photo identification. Among certain sub-groups, such as the elderly and individuals with disabilities, that number increases to approximately 18%.

According to the 2011 American Community Survey, there are approximately 68,000 Alaskans with disabilities who are 18 years-of-age or older. Assuming that 11% of these Alaskans do not have access to a government-issued photo identification, approximately 7,500 Alaskans with disabilities may have difficulty voting at their polling station. Using the higher percentage for this sub-group, approximately 12,000 Alaskans with disabilities would be impacted.

HB 3 does establish a 'bypass' process that would allow voters without a photo ID to vote. In lieu of a photo ID, a voter could present two forms of personal identification that do not contain a photograph, such as a certified copy of a birth certificate or a marriage certificate. However, according to the Alaska Bureau of Vital Statistic's website, in order to obtain a copy of a birth or marriage certificate, the individual must present a "government-issued picture ID." It is likely that a photo ID is necessary to obtain copies of the other personal identification documents listed in HB 3. Therefore, Alaskans with disabilities who do not have an appropriate photographic ID can neither vote under HB 3, nor can they obtain the documentation necessary to bypass the photo ID requirement. For Alaskans with disabilities, HB 3 may create an insurmountable barrier to voting.

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Additionally, the cost for obtaining a certified copy of a birth or marriage certificate is \$30. Therefore, Alaskans with disabilities, of whom approximately 37% live near or below the federal poverty level, would have to pay \$60 in order to vote. For an individual who resides in an assisted living facility and is allowed only a \$200 a-month personal spending allowance, paying for the certificates could present another insurmountable barrier to voting.

With respect to the impact HB 3 would have on the State of Alaska, I note with interest that the Division of Elections has submitted a \$0 fiscal note with respect to HB 3. The belief that imposing a voter ID law would not cost the State anything should be revisited in light of court decisions that have reviewed similar voter photo identification laws. Briefly, the courts have established the following principles states must adhere to when implementing a voter photo identification requirement:

- Photograph IDs must be available free of charge for all who do not have them;
- Photograph IDs must be readily accessible to all voters without undue burden; and,
- States must conduct substantial voter outreach and public education efforts.

By way of example, there are approximately 500,000 Alaskans of voting age. Using data from the Brennan Justice Center study, if 11% of this population lacks a photographic ID, the state would be responsible for providing the approximately 55,000 individuals with free ID cards. The current fee for a state ID is \$15.00. Therefore, providing free IDs to those Alaskans without one could cost the state \$825,000.00.

Let me recommend a review of two studies with regard to the cost of implementing voter photo ID laws. The first was published by the Brennan Center for Justice and is entitled *The Cost of Voter ID Laws: What the Courts Say*. The second was published by the Hubert H. Humphrey School of Public Affairs at the University of Minnesota and is entitled *Voter Identification; The True Costs – An Analysis of Minnesota's Voter Identification Amendment*. I would be happy to provide you or your staff with electronic copies of these reports upon request.

Again, thank you for inviting the Disability Law Center to provide you with information on the potential impact HB 3 may have on Alaskans with disabilities.

Sincerely,

DISABILITY LAW CENTER OF ALASKA



David C. Fleurant
Executive Director