

**BRENNAN  
CENTER  
FOR JUSTICE**

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June 5, 2007

**RE: Oppose Amendment No. 1170 to S. 1348  
(Requiring Photo ID to Vote)**

Dear Senator:

On behalf of the Brennan Center for Justice at NYU School of Law, I write to urge you to oppose Amendment No. 1170, proposed by Senator McConnell, to S. 1348, the Comprehensive Immigration Reform Act of 2007. This amendment would require voters to provide government-issued photo ID as a condition to vote. It has nothing to do with the immigration bill, and would undermine our democracy by depriving millions of U.S. citizens of their fundamental right to vote.

First, many eligible U.S. citizens simply do not have the government-issued photo ID required by the amendment. According to a national survey sponsored by the Brennan Center in November 2006,<sup>1</sup> more than 21 million people – eleven percent of voting-age U.S. citizens – lack government-issued photo ID. Low-income, elderly, and minority citizens are even less likely to have it. Nearly one out of five senior citizens lack such ID. One quarter of African American voting-age citizens do not have current, government-issued photo ID. As many as eighteen percent of citizens aged 18 to 24 – almost 4.5 million eligible voters – do not have their current address and name on their photo IDs. All of these citizens would find their right to vote jeopardized by the proposed amendment.

Second, the amendment would create a modern-day poll tax. The underlying documents required to obtain these IDs can be quite expensive. Birth certificates cost \$10 to \$15. A U.S. passport – which only 25-27% of Americans currently possess – costs \$97. Naturalization papers, if lost or damaged, cost \$210. By contrast, the poll tax – when it was declared unconstitutional in 1966 – was worth \$9.57 in today's dollars. Additionally, processing and shipping of these documents may take from several weeks to an entire year. On top of these costs, citizens may also have to take several hours off of work and travel significant distances to visit government offices open only during select daytime hours.

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<sup>1</sup> Brennan Center for Justice, *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification* (Nov. 2006), available at: [http://www.brennancenter.org/dynamic/subpages/download\\_file\\_39242.pdf](http://www.brennancenter.org/dynamic/subpages/download_file_39242.pdf).

Moreover, the amendment does not provide for free photo IDs; it only *encourages* states to issue free photo IDs. There is no guarantee that citizens who cannot afford a photo ID would be issued one, nor is there any guarantee that enough federal funds would be appropriated to enable any state to do so. To date, no state has succeeded in getting all or close to all of its citizens photo IDs.

But there is simply no precedent for a sweeping program to deliver a document to every single citizen anywhere in United States history. Already, states are discovering that a less ambitious program – REAL ID – costs many times the original estimates. It is simply wrong to condition a fundamental right on the possession of IDs that are at best notional and at worst illusory.

Third, these kinds of ID aren't needed, because the fraud they purport to prevent is exceedingly rare. The Brennan Center has repeatedly documented the scant evidence of in-person voter fraud (see [www.truthaboutfraud.org](http://www.truthaboutfraud.org)). Legitimate cases of fraud that could be addressed by a photo ID requirement are proven to occur approximately as often as Americans are struck and killed by lightning. Voter ID laws, which do little to prevent this rare occurrence, are simply not worth their high cost to democracy.

Make no mistake: voter ID requirements of this kind will block millions of people from casting their votes. It is an unacceptable price, for a bad remedy, to a virtually nonexistent problem. Voting is the heart of our democracy: we should make it easier, not harder, for eligible people to vote.

We therefore respectfully urge you to oppose Amendment No. 1170 to S.1348.

Respectfully yours,

A handwritten signature in black ink, reading "Michael Waldman", with a long horizontal flourish extending to the right.

Michael Waldman  
Executive Director