

Seven Alternatives to Voter ID

Efforts to turn eligible voters away from the polls if they cannot produce identification are not justified. Although a majority of Americans have and use ID as a routine matter, approximately 10% of the public – disproportionately people of color, elderly citizens, disabled citizens, youth, and low-income citizens – does not have government-issued photo ID. Voting is for all of us, not just most of us. And for those who do not currently have ID, getting ID can be unduly burdensome, in terms of both time and money.

There is virtually no evidence that individuals in fact engage in the one kind of misconduct targeted by voter ID requirements – feigning someone else’s identity at the polls – with any frequency. Indeed, this rare kind of fraud is very risky and promises little reward. What is more, proponents of voter ID cannot meet their burden of showing that *existing* safeguards do not adequately address potential problems.

States currently have at least *seven* alternative means to address potential problems targeted by ID requirements. All seven alternatives, when executed correctly, impose less of a burden on eligible Americans than mandatory ID. And most have long been used successfully in states across the country. Why reach to ID – which will exclude many legitimate voters – when there are so many other ways to ensure that only eligible citizens vote? The alternatives to ID include:

- **Statewide voter registration databases.** Federal law now requires each state to maintain a single computerized database of its registered voters and to establish uniform and fair list maintenance procedures. Previously, in most states, each city or county was responsible for its own list, with spotty and inconsistent standards for ensuring that the lists were up to date, and virtually no method for reconciling the lists with one another. Voters moving from one county to another often appeared on both lists, padding the total rolls. Proponents of ID requirements often point to this “padding” as presenting opportunities for fraud. The new statewide databases, however, will enable states to maintain one central list with each voter appearing only once, dramatically reducing the potential for padding.
- **Accurate cleansing of registration rolls.** Two federal laws – the Help America Vote Act and the National Voter Registration Act – provide voter-protective means to ensure that each state’s voter registration database includes only eligible voters. These laws require states to remove ineligible individuals and duplicate records from their voter rolls – subject to safeguards to ensure that only *ineligible* voters are removed – including by comparing the voter rolls to state records of deaths and, where applicable, felony status. Moreover, both laws allow for periodic removal of individuals who do not respond to non-forwardable postcard mailings (though only after two federal election cycles of inactivity). These mechanisms, when properly implemented, can clear ineligible voters and duplicate entries off of the registration rolls – reducing the “padding” mentioned above, without risking the disenfranchisement of eligible citizens.

- **Verification of unique identifying numbers.** For citizens who have registered or re-registered since 2003, HAVA provides a non-intrusive way to verify their identities. Each applicant must submit either her driver's license number or the last four digits of her social security number (if she has such numbers) when registering to vote. Because neither number is publicly available, the individual presenting the number will reliably be the individual attempting to register. HAVA also requires states to try to verify those numbers against records in state motor vehicle databases or the Social Security Administration's database. If the state can determine that the applicant's information matches an existing state record, the individual's identity is safely verified. HAVA itself exempts voters whose information is verified in this way from its documentary requirements for new voters.
- **In-person affirmation.** When a citizen appears in person to register to vote, he must stand before an election official and positively sign an oath or affirmation, subject to penalties for perjury or false swearing, that he is the individual he claims to be and is eligible to vote in the jurisdiction. In most jurisdictions, he must do the same when appearing to vote. The formality is important: it has long been understood that requiring a sworn statement before an official is an effective deterrent to deception. The simple act of personal affirmation helps ensure that the individual standing before an election official is an eligible voter speaking the truth.
- **Signature comparison.** In most jurisdictions, an individual must offer his signature when he registers; this signature is then copied for ready access at the polls, either in the poll book or in a separate compendium of registered voters available at the polling station. When the voter appears to cast his ballot, he must sign in to the poll book – and in many jurisdictions, this signature is compared to the registration signature on file. Such signature comparison has long been deemed sufficiently reliable to legitimate absentee ballots and provisional ballots, and there is no reason to believe that it is any less reliable for confirming the identity of individuals voting in person.
- **Digital photographs.** Several state licensing authorities already capture digital images of applicants when issuing driver's licenses. When an individual chooses to register to vote at the DMV – about one-third of all voter registration applications across the country, and up to 99% of new applications in Delaware – this image can easily be associated with the voter registration record. With little difficulty, the image could then be made available at the polls, to provide an additional identity check without placing any incremental burden on the voter.
- **Prosecution.** Most states criminalize election fraud, with penalties that are quite severe. Election fraud is also a federal crime, with respect to both registration and voting, and may result in fines up to \$10,000 and up to five years in prison. These are serious penalties, and when convictions are publicized, they provide a powerful deterrent.