

Congress of the United States
Washington, DC 20515

December 11, 2014

Mr. Gene L. Dodaro
Acting Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Comptroller General:

We are writing to request that the Government Accountability Office (GAO) examine the impact of voter identification laws in selected states on the ability of American citizens to exercise their right to vote. In September, GAO issued a report concluding that voter identification laws have led to a statistically significant decrease in voter turnout.¹ This valuable, yet troubling research raises significant questions as states continue to pass additional voter identification measures.

Twelve years ago, Congress passed the Help America Vote Act of 2002 to address problems during the 2000 presidential election with voter registration lists, absentee ballots, ballot counting, and antiquated voting systems. The Act created new mandatory minimum standards for states in several key areas, including interactive computerized voter registration lists and accurate eligible voter lists.²

Numerous states have adopted additional laws since the Act was passed limiting how individuals may register to vote or cast ballots, and more than half of the states have enacted voter identification laws. According to the National Conference of State Legislatures, as of October 2014, 31 states have implemented measures requiring proof of identification that many citizens lack or are unable to easily obtain.³ News reports indicate that other states, including Nevada and New Hampshire, may consider voter identification legislation in 2015 and 2016.⁴

In her dissenting opinion in *Veasey v. Perry*, the Supreme Court's decision allowing Texas to implement its voter identification law, Justice Ruth Bader Ginsberg wrote that the

¹ Government Accountability Office, *Issues Related to State Voter Identification Laws* (Sept. 2014) (GAO-14-634). See also *GAO Report: Voter ID Laws Stunted Turnout*, The Hill (Oct. 8, 2014) (<http://thehill.com/blogs/ballot-box/220147-gao-voter-id-laws-stunted-turnout-in-kansas-and-tennessee>).

² *Id.* See also Government Accountability Office, *Elections: State Laws Addressing Voter Registration and Voting on or Before Election Day* (GAO-13-90R) (Oct. 4, 2012).

³ National Conference of State Legislatures, *Voter Identification Requirements: Voter ID Laws* (online at <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx#Intro>) (accessed Dec. 4, 2014).

⁴ *After Takeover, Nevada GOPers Ready Voter ID*, MSNBC (Nov. 12, 2014) (online at www.msnbc.com/msnbc/after-takeover-nevada-gopers-ready-voter-id).

Texas voter identification regime “may prevent more than 600,000 registered Texas voters (about 4.5% of all registered voters) from voting in person for lack of compliant identification.” Justice Ginsberg added: “A sharply disproportionate percentage of those voters are African-American or Hispanic.”⁵

Studies suggest that these laws impose significant costs on voters even when states provide “free” forms of identification. After reviewing voter identification laws in three states, Harvard Law School’s Charles Hamilton Houston Institute issued a report concluding:

[T]he expenses for documentation, travel, and waiting time are significant—especially for minority group and low-income voters—typically ranging from about \$75 to \$175. When legal fees are added to these numbers, the costs range as high as \$1,500. Even when adjusted for inflation, these figures represent substantially greater costs than the \$1.50 poll tax outlawed by the 24th amendment in 1964.⁶

Supporters maintain that voter identification laws are necessary to curb voter fraud in their states. For example, in Pennsylvania, the House Majority Leader claimed: “[T]here is election fraud. Protecting the integrity of an individual vote is the purpose of any election reform.”⁷ One month later, however, attorneys representing the state signed a stipulation agreement acknowledging there “have been no investigations or prosecutions of in-person voter fraud in Pennsylvania; and the parties do not have direct personal knowledge of any such investigations or prosecutions in other states.”⁸

Fifty years after poll taxes were banned under the Constitution, the proliferation of voter identification laws across the country raises serious concerns that American citizens are once again being denied their right to vote. Given the fundamental importance of the right to vote and the broad scope of congressional authority to regulate the administration of elections, we request that GAO review the following issues regarding voter identification laws in selected states:

- (1) the amount of money states and local jurisdictions have requested and spent to implement voter identification laws, including for: voter education campaigns; election administration staff, hours, and training; additional hours for existing staff; providing “free” voter identification forms; and administrative costs;

⁵ *Veasey v. Perry, et al.*, No. 14A393, 574 U.S. ____ (Oct. 28, 2014) (Ginsberg, J. dissenting) (online at www.supremecourt.gov/opinions/14pdf/14a393_08m1.pdf).

⁶ *The High Cost of “Free” Photo Voter Identification Cards*, Charles Hamilton Houston Institute For Race & Justice, Harvard University School of Law (June 2014) (online at <http://today.law.harvard.edu/wp-content/uploads/2014/06/FullReportVoterIDJune20141.pdf>).

⁷ *Pennsylvania GOP Leader: Voter ID Will Help Romney Win State*, TPM Muckraker (June 25, 2012) (online at <http://talkingpointsmemo.com/muckraker/pennsylvania-gop-leader-voter-id-will-help-romney-win-state>).

⁸ *Pennsylvania Admits It: No Voter Fraud Problem*, Washington Post (July 24, 2012) (online at www.washingtonpost.com/blogs/plum-line/post/pennsylvania-admits-it-no-voter-fraud-problem/2012/07/24/gJQAHNVt6W_blog.html).

- (2) the costs to voters associated with obtaining “free” voter identification forms in states with voter identification laws, including: purchasing birth, marriage, naturalization, and selected other certificates and any associated legal fees needed to secure these documents; travel expenses to the departments of vital records and motor vehicles; and other relevant expenses;
- (3) the number of provisional ballots cast before and after the implementation of voter identification laws, including: a comparison of presidential election years and mid-term election years; a breakdown of the number of provisional ballots cast due to a failure to provide valid identification that were counted, cured, and left uncounted; and a comparison of the number of prosecutions for in-person voter fraud before and after implementation of voter identification laws; and
- (4) the manner in which state election officials verify voter registration eligibility and ensure voter registration lists are accurate, including: challenges they face in maintaining accurate voter lists; the benefits and challenges of third party voter registration efforts; and options for voter registration system modernization.

Thank you for your consideration of this request. If you have questions regarding this matter, please contact Donald K. Sherman of the Oversight and Government Reform Committee staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings
Ranking Member



Joaquin Castro
Member of Congress

cc: The Honorable Darrell E. Issa, Chairman