



March 21, 2011

TO: Honorable Robert Mecklenborg, Chairman  
Honorable Members – House State  
Government & Elections Committee

FR: Ron Bridges, AARP Ohio

RE: HB 159 Election Law

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Dear Chairman Mecklenborg:

AARP is a nonprofit, nonpartisan organization dedicated to addressing the needs and interests of Americans aged 50 and older. AARP is the largest membership organization representing the interests of older Americans, with more than thirty-nine million members—over 1.6 million of whom live in Ohio.

AARP believes that the right to vote, along with full and fair representation, comprises the most basic of all political rights. Older individuals vote in disproportionately high numbers, and AARP has long advocated for fair and simple procedures that facilitate this high level of participation. AARP supports fair and effective procedures to detect and prevent voter fraud. AARP does not support procedures that reflect partisan bias, or that permit arbitrary or discriminatory reviews or voter challenges that may discourage turnout by older voters.<sup>1</sup> Based on these principles, AARP Foundation Litigation has served as co-counsel in cases in Georgia and Arizona challenging state photo identification voting requirements,<sup>2</sup> and AARP has also participated as *amicus curiae* in challenges to similar legislation in Missouri and Michigan.<sup>3</sup> With regards to HB 159:

1. AARP believes that HB 159 threatens to reduce legitimate citizen participation—particularly participation by older voters—in the electoral process. Absentee voting is not an adequate substitute for the right to participate in the political process in person; all older Ohio voters who wish to fully participate in the electoral process must obtain photo identification. The photo ID requirement in HB 159 disproportionately affects older voters because they are substantially less likely to have the required identification. According to a 2006 survey, as many as 18% of Americans over age 65 do not have a driver's license or any other government-issued photo identification card.<sup>4</sup>

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<sup>1</sup> Unless otherwise specified, “older voters” herein refers to all individuals over the age of 50 who are eligible to vote.

<sup>2</sup> See *Common Cause/Georgia v. Billups*, 504 F. Supp. 2d 1333 (N.D. Ga. 2007); *Gonzalez v. Arizona*, Nos. 06-1268-PHX, CV 06-1362-PHX, CV 06-1575-PHX, 2006 WL 3627297, slip op. (D. Ariz 2006).

<sup>3</sup> Brief of *Amicus Curiae* – Women’s Voices Raised for Social Justice, AARP, *et al.*, 203 S.W. 3d 201 (Mo. 2006) (No. SC88039); Brief of *Amici Curiae* Lawyers’ Committee for Civil Rights Under Law and AARP, *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 721 N.W.2d 799 (Mich. 2006) (No. 130589).

<sup>4</sup> Brennan Center for Justice at NYU School of Law, *Citizens Without Proof: A Survey of Americans’ Possession of Documentary Proof of Citizenship and Photo Identification*, (Nov. 28, 2006) [http://www.brennancenter.org/page/---/d/download\\_file\\_39242.pdf](http://www.brennancenter.org/page/---/d/download_file_39242.pdf)

2. AARP believes that HB 159 places an unnecessary and severe burden on older voters' fundamental right to vote. For a variety of reasons, older voters are substantially less likely than other voters to have the identification required by HB 159. Older voters must overcome numerous financial and nonfinancial obstacles to comply and obtain photo identification. The cost of an identification card can pose a barrier, thus arguably having the same effect as an unconstitutional poll tax. When older voters apply for a new or renewal license, they face heightened scrutiny from the state bureaus of motor vehicles. These voters are also often encouraged by family members (both subtly and less so), to relinquish their driver's licenses.
3. Even if the state provides free photo ID's, there are hidden costs.
  - Getting a free ID card can involve transportation costs and require time away from work or childcare.
  - Underlying documentation, such as a passport, birth certificate, or naturalization papers, is often necessary. Many individuals don't have one of these forms of documentation readily available, and getting one usually involves its own costs. The fees for a U.S. passport currently start at \$55.
  - Waivers for self-proclaimed indigence are an affront to dignity and can discourage voting.
  - These costs systematically deter certain groups from voting more than others – such as minorities, the disabled, the elderly, and the poor.

For many voters in Ohio, the process of voting is—as it should be—relatively painless and free. Aside from a modest amount of time spent at the polling location, the average voter pays nothing to exercise the fundamental right to vote. However, for many older citizens who wish to exercise their right to vote, the story would be very different upon enactment of HB 159.

In conclusion, HB 159 is presented as a means to curb voter fraud, yet such fraud has not been demonstrated; further, Ohio has ample procedures in place to detect voter fraud. HB 159 is overly restrictive, expensive, and not called for by the facts.

AARP appreciates this opportunity to comment. If you have any questions, please feel free to contact me at (614) 222-1503.

Sincerely,

*Ron Bridges*

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