



November 1, 2016

Re: Misleading Posters at the Polls about Voter ID in Michigan

Dear City Clerk:

Each election, the ACLU of Michigan, the Michigan State Conference NAACP and the Brennan Center for Justice receive complaints about false or misleading notices and posters at polling places stating or implying that people cannot vote in Michigan without picture ID. By the time we are able to correct the problem, it is often too late as the polls are closed or close to closing.

Accordingly, we are reaching out to city clerks across the state in advance of the November 8 general election to ensure that the problem does not repeat itself this year. We note that the majority of clerks throughout Michigan do not mislead voters about the ID requirement and we appreciate efforts being undertaken to educate voters correctly.

We write specifically to request you post clear, accurate information on Michigan's picture ID requirement at the polls. As you know, registered voters are able to vote in all elections in Michigan without picture ID if either (1) they do not possess picture ID, or (2) they did not bring picture ID with them to the polls. All these voters must do to vote is sign an affidavit form at the polls and their ballot will be counted. In most precincts, these forms are printed on the back side of the voter application that every voter must sign.

As the Secretary of State's website clearly explains:

Every Michigan voter who offers to vote in the polls must comply with the requirement by showing picture identification or signing an affidavit attesting that he or she is not in possession of picture identification. (See MCL 168.523<sup>1</sup> for voter identification requirement.)

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<sup>1</sup> Specifically, this statute states, in relevant part, "If the elector does not have an official state identification card, operator's or chauffeur's license, or other generally recognized picture identification card as required under this subsection, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act." MCL 168.523(2) (emphasis added).

Voters without picture ID: Michigan election law anticipates that not all voters will have picture ID. Voters who do not have acceptable picture ID or forgot to bring acceptable picture ID to the polls can vote like any other voter by signing an affidavit. Questions regarding the voter identification requirement can be directed to your local city or township clerk's office.

Attached as Exhibit A; also see

[http://www.michigan.gov/documents/sos/Notice\\_To\\_Voters\\_209345\\_7.pdf](http://www.michigan.gov/documents/sos/Notice_To_Voters_209345_7.pdf).

The danger in posting misleading signs is that they could easily deter eligible voters from exercising their fundamental right to vote. Studies show that 1 out of 10 voting-aged citizens do not have a current, government-issued picture ID.<sup>2</sup> In addition, picture ID laws have a disproportionate and unfair effect on low-income individuals, racial and ethnic minorities, students, senior citizens and voters with disabilities.<sup>3</sup>

Please help us educate the public that under the Michigan voter ID law, those who do not own picture ID and those who do not bring picture ID with them to the polls may, in fact, cast a vote and that the vote will count. We urge you to:

- Post at all polling places the sign on the Secretary of State's website, which correctly informs voters that they may, in fact, vote without a valid picture ID by signing the affidavit form.<sup>4</sup>
- Prominently display the correct voter identification rules on your website.
- Ensure that all poll workers receive ample training on the affidavit option.
- Widely publicize the fact that registered voters without a picture ID may vote in the November 8 general election by featuring the information on the affidavit option in any and all local publications prior to Election Day.

Thank you for your prompt attention to this important matter.

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<sup>2</sup> See, e.g., Keesha Gaskins and Sundeep Iyer, *The Challenge of Obtaining Voter Identification*, BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (2012), available at: [http://www.brennancenter.org/sites/default/files/legacy/Democracy/VRE/Challenge\\_of\\_Obtainin\\_g\\_Voter\\_ID.pdf](http://www.brennancenter.org/sites/default/files/legacy/Democracy/VRE/Challenge_of_Obtainin_g_Voter_ID.pdf).

<sup>3</sup> See *id.*; see also U.S. GOV'T ACCOUNTABILITY OFFICE, GAO 14-634, ELECTIONS: ISSUES RELATED TO STATE VOTER IDENTIFICATION LAWS (2014); *Oppose Voter ID Legislation – Fact Sheet*, AMERICAN CIVIL LIBERTIES UNION (July 21, 2011), <https://www.aclu.org/voting-rights/oppose-voter-id-legislation-fact-sheet>.

<sup>4</sup> [http://www.michigan.gov/documents/sos/Notice\\_To\\_Voters\\_209345\\_7.pdf](http://www.michigan.gov/documents/sos/Notice_To_Voters_209345_7.pdf).

Very truly yours,



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cc: Christopher Thomas, Bureau of Elections

# **EXHIBIT A**

## **Secretary of State's Notice About Voter Identification**

**Available at**

[http://www.michigan.gov/documents/sos/Notice\\_To\\_Voters\\_209345\\_7.pdf](http://www.michigan.gov/documents/sos/Notice_To_Voters_209345_7.pdf)

**Michigan Department of State  
Bureau of Elections**

**Notice to Voters: Voter Identification Requirement in Effect**

Every Michigan voter who offers to vote in the polls must comply with the requirement by showing picture identification or signing an affidavit attesting that he or she is not in possession of picture identification. (See MCL 168.523 for voter identification requirement.)

**Voters with picture ID:** Voters can satisfy the ID requirement by showing a Michigan driver's license or a Michigan personal identification card.

Voters who do not possess either document may show any of the following forms of picture ID as long as it is current:

- Driver's license or personal ID card issued by another state.
- Federal or state government-issued photo ID.
- U.S. passport.
- Military identification card with photo.
- Student identification with photo from a high school or an accredited institution of higher education.
- Tribal identification card with photo.

**Voters without picture ID:** Michigan election law anticipates that not all voters will have picture ID. Voters who do not have acceptable picture ID or forgot to bring acceptable picture ID to the polls can vote like any other voter by signing an affidavit.

Questions regarding the voter identification requirement can be directed to your local city or township clerk's office.

For more election related information, visit [www.michigan.gov/vote](http://www.michigan.gov/vote)