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November 1, 2018

Re: Michigan's Voter Identification Law

Dear Clerk:

Each election, the ACLU of Michigan receives complaints that election officials are providing false or misleading information stating or implying that people cannot vote in Michigan without picture ID. We also regularly receive complaints from voters who were told that they must have picture ID to vote.

As an example, just this week we had to seek a correction to the website of a clerk in Kent County because the site falsely stated that picture ID was required in order to vote an absentee ballot in person. During the August primary we received a complaint from a voter in Washtenaw County who was improperly turned away from the polls and disenfranchised because she did not have a current picture ID. In previous years, we have learned about posters or signs at polling places warning voters that they must have picture ID to vote.

By the time we are notified of these problems, it is often too late to address them because the voter has been turned away and the polls are closed. Accordingly, we are reaching out to clerks across the state in advance of the November 6 general election to ensure that these problems are not repeated this year. We know 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 today to specifically request you post clear, accurate information on Michigan's voter ID requirement. Under Michigan law, 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. As you know, all these voters must do to vote is sign an affidavit form at the polls and their ballot will be counted.¹ In most precincts, these forms are printed on the back side of the voter application that every voter must sign. The affidavit is available when a voter appears in person to apply for or vote an absentee ballot² and when a voter appears at the polls to vote on Election Day.³

¹ https://www.michigan.gov/documents/sos/Affidavit_of_Voter_in_Possession_209344_7.pdf.

² MCL 168.761(6).

³ MCL 168.523(2).

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 168.523⁴ for voter identification requirement.)

* * *

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.

See enclosed “notice to voters”, which is available at:

https://www.michigan.gov/documents/sos/Notice_To_Voters_209297_7.pdf.

The danger in posting misleading signs or information is that it can 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.⁵ In addition, picture ID laws have a disproportionate and unfair effect on low-income individuals, persons of color, students, senior citizens and voters with disabilities.⁶

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 enclosed “notice to voters” from the Secretary of State’s website, which correctly informs voters that they may, in fact, vote without a picture ID by signing the affidavit form.⁷
- Prominently display the correct voter identification rules on your website.
- Ensure that all staff and poll workers are trained to provide the affidavit.

⁴ 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).

⁵ 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_Obtaining_Voter_ID.pdf.

⁶ 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/other/oppose-voter-id-legislation-fact-sheet?redirect=voting-rights/oppose-voter-id-legislation-fact-sheet>.

⁷ https://www.michigan.gov/documents/sos/Notice_To_Voters_209297_7.pdf.

- Widely publicize the fact that registered voters without a picture ID may vote in the November 6 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.

Very truly yours,

A handwritten signature in blue ink that reads "Sharon Dolente". The signature is written in a cursive, flowing style.

Sharon Dolente, Voting Rights Strategist
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cc: Sally Williams, Bureau of Elections

**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