

## MISSOURI VOTER PROTECTION COALITION

May 11, 2017

Secretary of State Jay Ashcroft  
James Kirkpatrick Building, 3<sup>rd</sup> Floor  
600 W. Main Street  
Jefferson City, MO 65101

Dear Secretary Ashcroft,

We, the undersigned, are part of the Missouri Voter Protection Coalition, a network of grass roots and non-profit voter advocates in Missouri. We work to promote access to the ballot box for all Missourians and remove barriers that impede the right to vote.

Over the last several months, we have met with your office on a number of occasions regarding your plans for the implementation of H.B. 1631, the legislation that enacts Missouri's new photo ID requirements to vote. We appreciate your willingness to meet with us and other voter advocates to discuss the law's implementation.

Among other concerns, we have sought clarification regarding how the Secretary of State's office will direct county clerks to train poll workers in the particulars of the new photo ID mandate.

Responsibility for training poll workers lies with each county's local election authority; however, there has been widespread confusion and uncertainty expressed by Missouri voters about the new photo ID requirement. To date, your office has offered only high-level guidance about the eventual implementation and enforcement of these rules, leaving many to question how their personal circumstances may impact their ability to vote in upcoming elections.

For example, you have asserted that the law's exceptions include enough flexibility to allow just about any eligible voter to cast a regular ballot, so long as they present a form of ID that was acceptable under Missouri's existing voter ID rules, even if they lack a photo ID mandated by H.B. 1631. But, county election officials need further guidance spelling out exactly under what circumstances Missourians can vote under the exceptions outlined in H.B. 1631.

For instance, can a voter who has a current DMV-issued photo ID, but has lost it, sign an affidavit under penalty of perjury stating that they lack one of the required forms of ID, and then vote? What about the voter who has such an ID but left it at home? What about the voter who lacks such an ID, signs the affidavit, but makes no effort to obtain an acceptable form of photo ID prior to the next election? Can this voter sign the affidavit again at subsequent elections, in perpetuity, and cast a regular ballot? The legal guidance offered by your office to date<sup>1</sup> does not answer these questions.

If indeed it is your position that voters without a required photo ID will be able to sign an affidavit and cast a regular ballot upon presentation of any form of ID that was acceptable under Missouri's former voter ID rules - regardless of the circumstances they lack the required photo ID - then this should be

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<sup>1</sup> Memorandum, Missouri Secretary of State, March 1, 2017,  
<http://www.sos.mo.gov/CMSImages/Elections//ShowIt2Vote/MemoVoterIDStatute.pdf>

made clear to local election officials. It is also imperative to make clear that local election officials lack any discretion to deny such voters a *regular* ballot.

Lack of adequate guidance and clear training will leave local election workers, who are usually simply trying to do their jobs, to guess how to interpret the law; this will lead to arbitrary results. Provide them with specific guidance and uniform poll worker training modules so they can do their jobs right.

Missouri's new photo ID requirements already threaten to deter, confuse, exclude and alienate voters who lack the required state-issued photo ID to vote – disproportionately seniors, low-wage workers, women, voters with disabilities, students, and voters of color. And when such voters do appear to vote, under the law's exceptions they will be segregated to a separate voting process and subject to additional scrutiny and legal paperwork before being allowed to cast a ballot. We have seen how poor implementation of photo ID laws in other states, including those with affidavit options like Missouri, create barriers to voting on election day and relegate such voters to a second-class status.<sup>2</sup> The result is that valid voters are denied an opportunity to cast a regular ballot. Clear guidance to local election authorities and broad voter education is essential to help minimize the confusion, long lines and deterrent effects of the law.

Accordingly, we call upon the Secretary of State's office to do the following:

- 1) Provide local election authorities with formal guidance on training poll workers in the enforcement of the photo ID requirement that specifies that they must allow any voter without a required photo ID to cast a regular ballot upon presentation of a form of ID that was acceptable under Missouri's current voter ID law, regardless of the circumstance.
- 2) Include in this guidance a stipulation that local election authorities prominently display signage of these rules at all poll sites and publicize their revised poll worker training materials to the public.
- 3) Publish a copy of this guidance no later than June 1<sup>st</sup>, 2017 on the Missouri Secretary of State's website, as well as to major media outlets throughout our state.
- 4) Identify a process by which Missourians can provide feedback to this guidance.
- 5) Send a mailing to each of the registered voters in Missouri who lack a non-expired Missouri DMV-issued ID explaining the law's requirements and exceptions and providing a mechanism for them to reach your office for assistance to obtain the mandated ID.

Ensuring transparency in the implementation and enforcement of these new rules is common sense. And, the stakes are high: without a proactive, transparent implementation process that is widely disseminated to the public, we risk blocking thousands of valid Missouri voters from their rightful place in our democracy.<sup>3</sup>

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<sup>2</sup> See, State's failures led to voter ID problems in 2016, *Pro Publica*, May 2, 2017, <https://www.texastribune.org/2017/05/02/texas-failures-led-voter-id-problems-2016-election/>; Long lines, confusion over voter ID reported in NC primary, *Charlotte Observer*, March 17, 2016, <http://www.charlotteobserver.com/news/politics-government/article66634122.html>

<sup>3</sup> Editorial: Time is running out to explain Missouri's new voter ID rules." *The Kansas City Star*. Editorial board. April 24, 2017. <http://www.kansascity.com/opinion/editorials/article146428939.html>

Please reply to us by May 25<sup>th</sup>, 2017, with the status of your efforts to craft implementation policies and please consider this letter a request, pursuant to Missouri's Sunshine Law, RSMo 610 et seq., for copies of all such policies and all communications related to development of such policies.

We appreciate your attention to this important matter, and look forward your response.

Sincerely,

**THE MISSOURI VOTER PROTECTION COALITION**

*Signatories:*

AARP Missouri	NAACP Springfield Missouri Chapter
A. Philip Randolph Institute	NARAL Pro-Choice Missouri
Advancement Project	National Council of Jewish Women-St. Louis Chapter
American Civil Liberties Union of Missouri	National Federation of the Blind
Central Reform Congregation	Northland Progress
Coalition of Black Trade Unionists	Organization for Black Struggle
Coalition for Truth in Independence	Organizing for Action, Kansas City Chapter
Empower Missouri	Paraquad
Faith Voices Southwest Missouri	Planned Parenthood Advocates in Missouri
League of Women Voters of Missouri	Progressive Social Network KC
Metro Organization for Racial and Economic Equity	Progress Women
Metropolitan Congregations United	SEIU Missouri/Kansas State Council
Mid-Missouri Progressives	Sierra Club, Missouri Chapter
Missouri Annual Conference of the A.M.E.	Sierra Club, White River Group
Zion Church Social Action Committee Millennials	Southwest Center for Independent Living
Missouri Developmental Disabilities Council	St. Francis Xavier College Church
Missouri Faith Voices	VoteRiders
Missouri Jobs with Justice	West County Community Action Network
Mound City Bar Association	What U Can Do, Kansas City
NAACP Missouri State Conference	Women's Voices Raised for Social Justice

