

# MOVING TARGET



## Pennsylvania's Flawed Implementation of Act 18, The Voter ID Law

By Sharon Ward

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The Pennsylvania Budget and Policy Center is a non-partisan policy research project that provides independent, credible analysis on state tax, budget and related policy matters, with attention to the impact of current or proposed policies on working families. Learn more at <http://www.pennbpc.org>.

Cover and layout design by Stephanie Frank

## Overview

The Commonwealth of Pennsylvania is still falling short in its implementation of a requirement in the state's strict new Voter ID Law that a photo ID be made available free of charge to voters who need one to cast a ballot.

The Pennsylvania Budget and Policy Center (PBPC) worked with volunteer observers who made 44 visits to Pennsylvania Department of Transportation (PennDOT) driver's license centers in 35 counties in September 2012 to assess the commonwealth's implementation of a new Department of State (DOS) voter ID. The DOS ID was introduced in late August as an alternative option for voters who lacked the required documentation to obtain a traditional non-driver's photo ID from PennDOT.

We found that the sites had almost no information about the DOS ID. Basic signage and information about the law are still not available at every PennDOT licensing center, although coverage has improved considerably since July.

While PennDOT centers had virtually no information about the DOS ID, there are multiple documents that reiterate strict documentation requirements for a photo ID, which can only serve to confuse less-informed voters.

Through interviews, observers found that in some cases that PennDOT staff were steering voters away from the DOS ID and encouraging them to obtain a PennDOT ID instead.

In almost 50% of cases, observers received inaccurate or incomplete information. In several cases, staff made reference to documentation that is not required for a DOS ID. Not all staff made it clear that a PennDOT ID could be obtained for free if it was being sought for voting purposes. And even though PennDOT updated the main form required to obtain a non-driver's photo ID to make it clear that there is no charge for a PennDOT ID, observers found that in most cases the forms they received were not current.

**"We got training for what that was worth, but it's all confusing because they keep changing things".**

**~PennDOT employee.**

We continue to find shortcomings in Pennsylvania's implementation of the Voter ID Law. It remains unclear whether the commonwealth has the ability to ensure photo ID will be available to all who need it by the November election. As such, the commonwealth should delay the law to ensure that no voter is disenfranchised.

## Background

Pennsylvania's strict Voter ID Law was enacted in March 2012 and is scheduled to take effect for the Presidential election in November. While the U.S. Supreme Court has ruled that states can enact voter ID laws, there are strict standards for implementation of the laws, which if unmet could interfere with voters' constitutionally protected right to vote.

State voter ID laws must provide a free ID for anyone who needs one for voting purposes and ensure that obtaining ID does not create an undue burden on citizens. States must fully inform voters of the requirement prior to the election.

In May, a group of Pennsylvania voters sought an injunction to block enforcement of the law prior to the November election. In an August 15 decision, Commonwealth Court Judge Robert E. Simpson Jr. denied that injunction, but on September 18, after hearing an appeal of that decision, the Pennsylvania Supreme Court returned the case to the lower court for reconsideration. The Supreme Court specifically instructed Judge Simpson to examine the

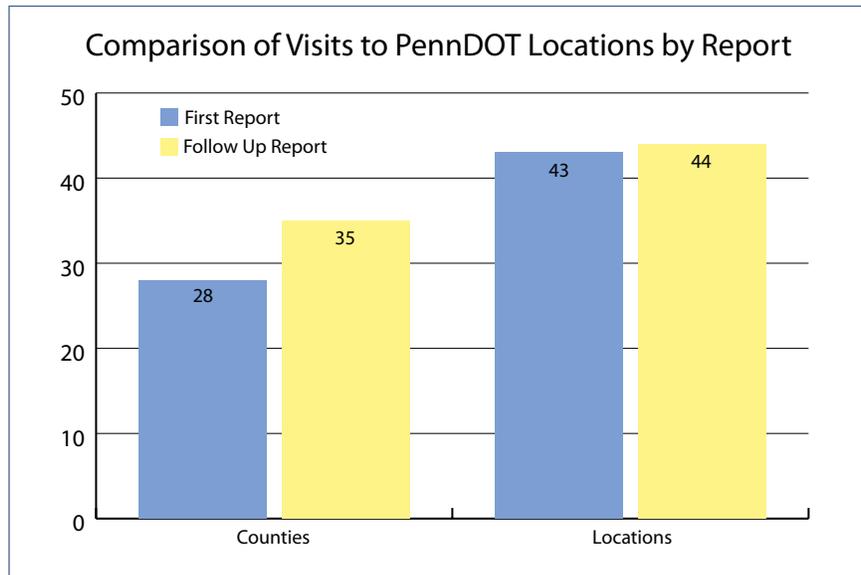
commonwealth's procedures for deploying an alternate Department of State (DOS) voter identification and to issue a ruling by October 2.

A key question in both the original case and the appeal is whether commonwealth officials are implementing the law in a manner that ensures voters are able to get the necessary ID without undue burden so that otherwise eligible voters are not denied the right to vote.

In June and July 2012, the Pennsylvania Budget and Policy Center recruited volunteers to conduct a survey of Pennsylvania Department of Transportation (PennDOT) driver's license centers to test the success of the commonwealth's implementation of the new Voter ID Law. That report, *Pennsylvania's Identity Crisis*, found that voters have to jump through many hoops to secure an ID and that the state was not enforcing a requirement in the law that voter IDs be made available for free. The report found that the ID requirement was a particular burden for the frail elderly who lived independently and had long given up driving. You can view the full findings from that report at <http://pennbpc.org/VoterID>.

In September 2012, PBPC partnered with the Service Employees International Union (SEIU) to assess the commonwealth's implementation of the new DOS voter identification. This ID was made available at PennDOT centers beginning in late August as an alternative option for those who could not meet the strict verification requirements of a PennDOT-issued non-driver's photo ID.

Observers visited 44 PennDOT locations in 35 counties, covering 76% of Pennsylvania's population. In some cases, observers were unable to interview staff, leaving 36 complete observations.



# Key Findings

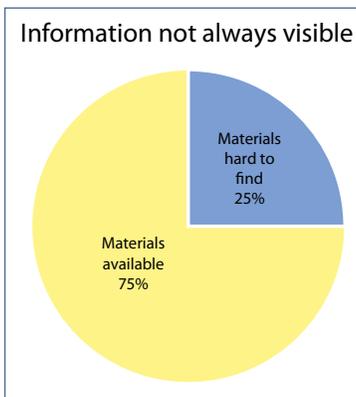
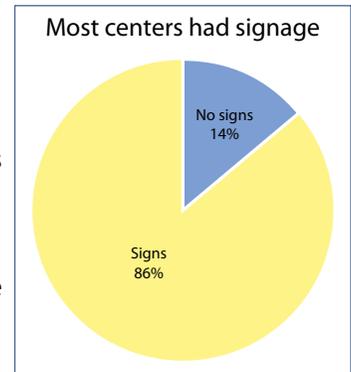
## More Signage but Very Little Information about Department of State ID

Seven months after the Voter ID Law went into effect, there is still not uniform signage or information available at all PennDOT license centers. The commonwealth has done a better job providing information about the ID requirement; however, specific information about the DOS ID was almost non-existent.

Nearly nine in 10 PennDOT centers displayed the DOS Voter ID flyer, which lists the types of ID required to vote but does not specifically mention the DOS ID. That is up from 13% of sites that had some form of signage in the July 2012 surveys (see Appendix A).

Just over nine in 10 sites had some information about the voter ID requirement available for customers to take in the waiting area, up from 53% in July. The information that was available was not always in a visible location. In 25% of cases, the information was hard to find or had run out.

While PennDOT and the Department of State have done a much better job providing information about the voter ID requirement, the PennDOT centers we surveyed offered virtually no information about the DOS ID.



In just under two-thirds of cases (64%), observers reported that a DOS Question and Answer document on the Voter ID Law was available in the waiting room. In three-quarters of the cases (75%), a voter ID handout from the DOS was available. Neither document specifically mentions the DOS ID.

There are two documents we have identified that offer specific information about the DOS ID:

- (1) New Department of State Voter ID flyer (available at <http://www.dmv.state.pa.us/pdotforms/voterid/2New%20Department%20of%20State%20ID.pdf>, no date), and
- (2) FAQ Department of State Identification Card (available at <http://www.votespa.com/portal/server.pt?open=514&objID=1174114&parentname=ObjMgr&parentid=4&mode=2>).

We asked observers to send us copies of documents they obtained at the PennDOT centers. Not once did observers send us one of the two documents referenced above. Instead, when observers requested information about the DOS ID, they received a DOS press release (“Secretary Announces New Voter ID Card,” July 20, 2012). In only one in five cases were observers provided this information specifically referencing the DOS ID.

## Inconsistent and Conflicting Information Creates Confusion

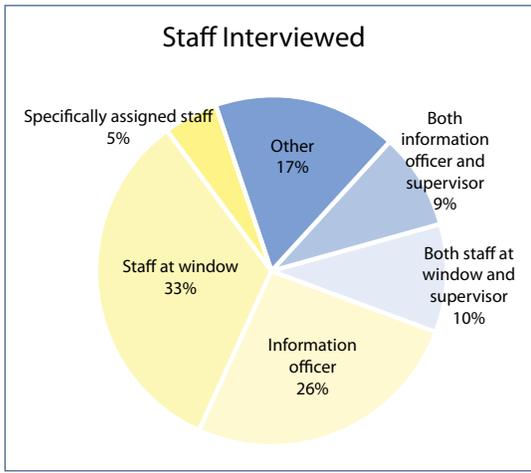
The PennDOT offices provided very little information about the DOS ID, but had on site several different informational documents, available in racks or distributed by PennDOT staff, clearly indicating that voters need substantial documentation and must pay a fee to obtain the PennDOT ID. These include documents such as the “PennDOT First Time Pennsylvania ID Card,” “PA Photo ID Card” and “Identity and Residency Requirements for US Citizens.” Each of these documents indicates that individuals have to provide substantial information and pay to secure an ID.

Given the virtual absence of any document detailing the requirements for a DOS ID, individuals could easily become confused or incorrectly determine that they did not have the proper documentation necessary to secure ID.

## Center Staff More Likely to Highlight PennDOT ID Than DOS ID

The observers visiting PennDOT driver’s license centers immediately identified themselves as individuals working for a community organization that helped people register to vote and indicated they wanted information about how voters could obtain an ID for voting. They asked follow-up questions, including whether there was a way for people who lacked some documentation to still obtain a voting ID and if there was a charge. Observers produced detailed comments on the answers they received.

In about one-quarter of the cases, observers interviewed individuals at an information desk, while in one-third of the cases, observers spoke directly with line staff. In 22% of cases, observers interviewed someone else – a supervisor or someone assigned specifically to answer voter ID questions. In 19% of cases, both a line worker and a supervisor answered questions.

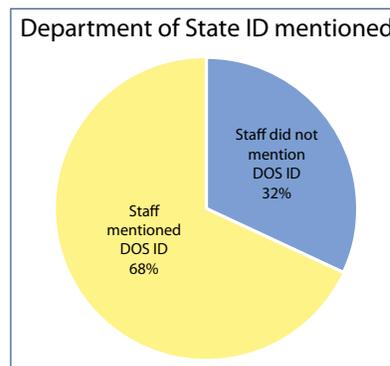
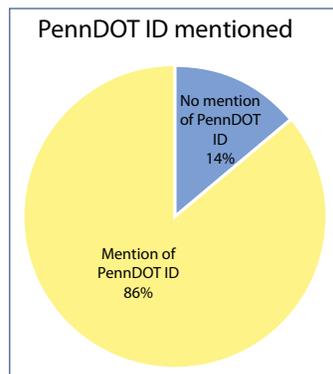


Interviews were conducted in 36 of 44 visits. In eight locations, staff did not answer questions. The observers were told to take written information or, in some cases, were referred to the PennDOT press office where questions would be answered.

In almost 90% of the interviews, PennDOT staff specifically mentioned the availability of a PennDOT ID and in many instances provided detailed information about how that ID could be secured. Staff were somewhat less likely to mention the DOS ID, which was volunteered by PennDOT staff a little more than two-thirds of the time (68%).

The Department of State ID significantly reduces verification requirements for voters. To obtain the ID, a voter must provide a name, address, Social Security number, date of birth, county of residence and a name change that has occurred in the previous 12 months. A person who does not have a birth certificate or a Social Security card but has two documents verifying residence should be able to get the DOS ID. If the voter lacks proof of residence, the voter should be able to obtain the ID by having an individual with personal knowledge of the voter and where the voter lives complete a form affirming the voter’s identity and residence. PennDOT officials then must confirm the voter’s registration in the SURE voter record system and may issue the ID on the spot or refer the application to DOS for additional verification. A voter who has registered within 30 days will likely have to return to PennDOT after receiving confirmation of registration from the DOS.

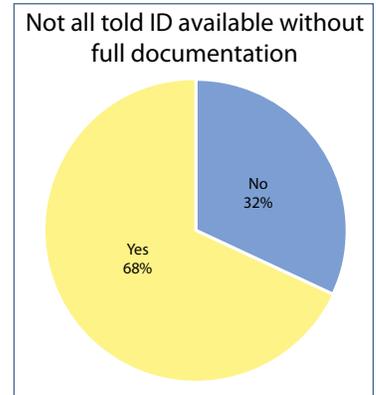
PennDOT staff were asked if individuals who did not have full documentation to get the PennDOT ID would be able to obtain an DOS ID, and in close to three-quarters of the cases, observers were told yes. In 28% of the cases, staff gave unclear answers or insisted that individuals must have one or more of the documents that are not required for a DOS ID.



## Some Staff Discouraged The Use Of DOS ID

The initial process for obtaining a DOS ID required voters to first attempt to secure a PennDOT non-driver ID. A DOS ID was to be made available only in cases where voters demonstrated they lacked sufficient documentation to obtain a PennDOT ID. The most recent FAQ document issued by DOS seems to indicate that standard is changing (see Appendix B).

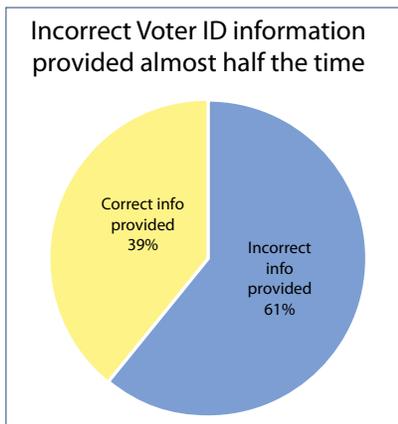
PennDOT staff took this requirement very seriously. In one in four interviews (25%), PennDOT staff indicated they would discourage individuals from obtaining a DOS ID, even if that was what the customer was seeking. Several staff explained that their first job was to get someone a PennDOT ID. In some instances, the staff actively disparaged the DOS ID, since it could only be used for voting. One staffer called the DOS ID “worthless.”



## Incorrect Information Provided

PennDOT employees are still not providing consistent, accurate information about the requirements for obtaining voter identification. This includes both the DOS ID and the PennDOT ID.

In just under 50% of observations, PennDOT staff provided information that proved to be inaccurate. In a number of cases, observers were told voters needed documentation that they do not need to obtain a DOS ID. In others, staff insisted that there is a charge for the PennDOT ID. In a handful of cases, staff only talked about the PennDOT ID and did not mention the DOS ID at all.



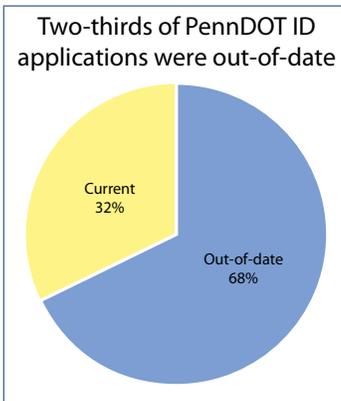
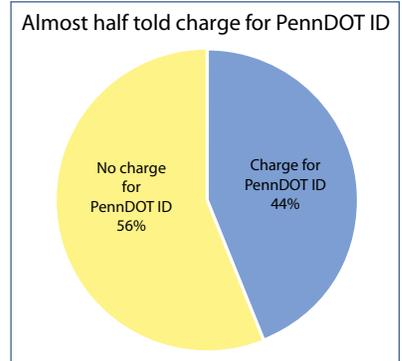
Line staff, whether security officers or staff processing applications, should be able to provide consistently accurate information to voters in the first instance. Otherwise, there is a danger that voters who lack documentation or who cannot afford to pay for an ID will leave the center without knowing that an alternative is available. Observers found that after consistent, repeated questioning, or after supervisors were called over, the correct answers could be obtained in some cases. Voters with limited information are likely to be misinformed.

## Free Id Not Consistently Offered

PennDOT staff understood that the new DOS ID must be made available free of charge, stating that fact in 100% of the cases where the DOS ID was mentioned. Not all staff made it clear that a PennDOT ID could also be obtained for free if it was for voting purposes.

In 44% of the response, PennDOT officials said there was a charge for the PennDOT ID. This response was linked to the firmly held view that a PennDOT ID could be used for more than voting and, therefore, voters could be charged for the ID.

PennDOT sought to clarify the fact that a non-driver's photo ID could be obtained for free for voting purposes in August when it changed its application for this product, but the updated forms were not consistently available. Observers received copies of the PennDOT ID application in 71% of the completed interviews, but two-thirds of the forms were not current and indicated the ID cost \$13.50.



While PennDOT centers lacked basic information and answers to questions were not always accurate or complete, observers found that in many instances staff tried hard to be helpful and, in some cases, staff were well informed and gave complete and accurate information. In 42% of the interviews, observers said that PennDOT staff were trying to be helpful or gave correct information in detail. This was true in particular with site supervisors, who were much more informed about the requirements of the law than line staff.

## Wait Times Can Be Long

The wait times experienced by observers conducting interviews varied. Just over half of the interviewers waited for less than 30 minutes, and just over one-quarter waited between 30 and 60 minutes. In 17% of cases, the wait exceeded one hour, with the longest wait being 2 hours and 20 minutes.

## Conclusion

In *Pennsylvania's Identity Crisis*, we concluded that the introduction of a new type of voter ID so close to the election would likely compound the problems already encountered in the implementation of the new law. This concern has been borne out in our most recent surveys. In the weeks after the new DOS ID was introduced, very little information is being provided to voters about it at PennDOT centers, and in some cases, voters who seek it out are being encouraged to obtain PennDOT IDs instead. Not all PennDOT staff have made it clear that a PennDOT ID may be obtained for free under the Voter ID Law. Inconsistency in signage and available information on the law continues to be a problem at PennDOT licensing centers.

As we completed this report, the DOS announced new, more relaxed standards for obtaining the DOS ID. That means PennDOT staff will have to learn and implement a new process, again. It is hard to master a process that continually changes. If PennDOT employees are not able to understand the new rules voters will be disenfranchised.

State agencies implementing procedural changes that substantially impact the public – such as in agencies issuing public benefits or child care assistance – take many months or even a year to implement new procedures, often piloting new procedures to work out the kinks before moving to full implementation. In the rush to implement the Voter ID Law, the commonwealth has sidestepped this orderly process and has put the burden on individuals to navigate a complex and ever changes process.

The conclusions set forth in this report raise serious questions about whether the commonwealth has the ability to ensure ID is available to all voters who need it by Election Day. As such, we recommend, as we did in *Pennsylvania's Identity Crisis*, that the commonwealth delay the Voter ID Law to improve procedures and ensure that all voters have the proper ID before the requirement goes into effect.

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**Carol Aichele, Secretary of the Commonwealth**

**FAQ – DEPARTMENT OF STATE IDENTIFICATION CARD**

<p>What is a FREE DEPARTMENT OF STATE PHOTO ID CARD?</p>	<ul style="list-style-type: none"> <li>➤ Beginning in the end of August, 2012, PennDOT will begin issuing FREE Department of State photo ID cards that registered voters can use to vote at the polls.</li> </ul>
<p>Who is eligible for a FREE DEPARTMENT OF STATE PHOTO ID CARD?</p>	<ul style="list-style-type: none"> <li>➤ Only registered voters who do not have another photo ID acceptable for voting, who do not possess all of the documentation required to obtain the FREE PENNDOT PHOTO ID and cannot obtain the needed documentation, or cannot obtain the documentation without the payment of a fee will be eligible for a FREE Department of State photo ID card. Examples of missing documents include a certified copy of a birth certificate or Social Security card. All other eligible voters will be given a FREE PENNDOT PHOTO ID.</li> </ul>
<p>Where will a voter be able to receive a FREE DEPARTMENT OF STATE ID CARD?</p>	<ul style="list-style-type: none"> <li>➤ Registered voters who cannot obtain the proper documentation needed for a FREE PENNDOT PHOTO ID card will be able to obtain a FREE DEPARTMENT OF STATE ID CARD at their local PennDOT Driver's License Center. PennDOT Driver's License Center locations can be found on the web at <a href="http://www.dot.state.pa.us">www.dot.state.pa.us</a> or by phone through PennDOT's CUSTOMER CALL CENTER at 1-800-932-4600.</li> </ul>
<p>What is the process for obtaining a FREE DEPARTMENT OF STATE PHOTO ID for voting?</p>	<ul style="list-style-type: none"> <li>➤ All registered voters seeking to obtain a FREE Department of State ID for voting purposes must first apply for a FREE PENNDOT PHOTO ID for voting.</li> <li>➤ When a PennDOT customer service representative determines that a registered voter does not have the necessary documentation to receive a FREE PENNDOT PHOTO ID, the PennDOT employee will then begin the process of issuing a FREE DEPARTMENT OF STATE PHOTO ID for voting.</li> <li>➤ In order for a registered voter to obtain a FREE DEPARTMENT OF STATE ID for voting, a registered voter must complete an Oath/Affirmation form affirming they have no other acceptable identification and a <u><a href="#">Request For Initial Issuance Of Pennsylvania Department Of State ID For Voting Purposes form</a></u>.</li> </ul> <p style="text-align: center;">✓ <b>Information requested</b> will include:</p>

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- A name
- Address
- Social Security Number
- Proof(s) of residence
- County
- Previous name and/or address if changed within the past 12 months

✓ **Voters who have registered within the past 30 days** will be able to indicate that by marking a box on the form.

➤ After confirming the voter's identity and voter registration with the Department of State, the registered voter will then be issued a FREE DEPARTMENT OF STATE PHOTO ID Card.

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**FAQ – DEPARTMENT OF STATE IDENTIFICATION CARD**

<p>What is a FREE DEPARTMENT OF STATE PHOTO ID CARD?</p>	<p>➤ Registered voters can get a FREE Department of State photo ID that can be used at the polls as proof of identification for voting purposes.</p>
<p>Who is eligible for a FREE DEPARTMENT OF STATE PHOTO ID CARD?</p>	<p>➤ Registered voters who do not have another form of proof of identification for voting purposes will be eligible for a FREE Department of State photo ID card.</p>
<p>Where will a voter be able to receive a FREE DEPARTMENT OF STATE ID CARD?</p>	<p>➤ Registered voters will be able to obtain a FREE DEPARTMENT OF STATE ID CARD at their local PennDOT Driver's License Center. PennDOT Driver's License Center locations can be found on the web at <a href="http://www.dot.state.pa.us">www.dot.state.pa.us</a> or by phone through PennDOT's CUSTOMER CALL CENTER at 1-800-932-4600.</p>
<p>Are qualified absentee voters in military service and their dependents required to provide ID?</p>	<p>➤ All registered voters seeking to obtain a FREE Department of State ID for voting purposes must sign an affirmation stating that the voter does not have another form of proof of identification for voting purposes and complete a <u><a href="#">Request For Initial Issuance Of Pennsylvania Department Of State ID For Voting Purposes.</a></u></p> <p>✓ <b>Information requested</b> will include:</p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Address</li> <li>• Social Security Number</li> <li>• Date of birth</li> <li>• County</li> <li>• Previous name and/or address if changed within the past 12 months</li> </ul> <p>✓ <b>Voters who have registered within the past 30 days</b> will be able to indicate that by marking a box on the form.</p> <p>➤ After confirming the voter's identity and voter registration with the Department of State, the registered voter will then be issued a FREE DEPARTMENT OF STATE PHOTO ID Card.</p>

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What if PennDot cannot issue me a FREE DEPARTMENT OF STATE ID for some reason when I am at the Driver's License Center?

- PennDOT will print a FREE DEPARTMENT OF STATE ID for the applicant but will forward the FREE DEPARTMENT OF STATE ID to the Department of State along with the application information listed above. In instances where voter registration cannot be confirmed, PennDOT may request an applicant to complete a Voter Registration Mail Application (VRMA), which will also be forwarded to the Department of State. The Department of State will forward any VRMA to the appropriate county.
- Upon confirmation of the applicant's registration or information, the Department of State will forward the voter's FREE DEPARTMENT OF STATE ID to the voter.

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**For more information on Pennsylvania's voter ID law, visit  
[www.VotesPA.com](http://www.VotesPA.com)  
or call 1-877-VotesPA (1-877-868-3772)**

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## Appendix B

LECTIONAL ELECTORATE MEMBERS REQUIRE STATE LAWS  
ONE DECISION-MAKING  
NON-PARTISAN  
PENNSYLVANIA'S  
**Voter ID**  
Law

All voters will be required to show a photo ID  
at the polls for the November 2012 Election

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Secretary **CAROL AICHELE**

 [www.VotesPA.com](http://www.VotesPA.com) | 1-877-VotesPA

**what ARE IDs acceptable**

**Voter ID**

**what you need TO KNOW**

All photo IDs must contain an expiration date that is current, unless noted otherwise

- ✓ Photo IDs issued by the U.S. Government or the Commonwealth of Pennsylvania
- ✓ Pennsylvania driver's license or non-driver's license photo ID (IDs are valid for voting purposes 12 months past expiration date)
- ✓ Valid U.S. passport
- ✓ U.S. military ID - active duty and retired military (a military or veteran's ID must designate an expiration date or designate that the expiration date is indefinite). Military dependents' ID must contain an expiration date
- ✓ Employee photo ID issued by Federal, PA, PA County or PA Municipal government
- ✓ Photo ID from an accredited Pennsylvania public or private college, university, or seminary
- ✓ Photo ID issued by a Pennsylvania care facility, including long-term care facilities, assisted living residences or personal care homes

If you are a registered voter and do not have one of these IDs, and require one for voting purposes, you are entitled to get one **FREE OF CHARGE** at a PennDOT Driver License Center (DLC).

If you plan on voting by absentee ballot for the November 2012 election, you will need to provide proof of identification.

To find the DLC nearest you, what identification and residency documentation you will need to get a photo ID, how to vote if you have a religious objection to having your photograph taken, what identification you need to vote by absentee ballot, or for general information, visit [www.VotesPA.com](http://www.VotesPA.com) or call 1-877-VotesPA (866-3772).

**NO ONE** legally entitled to vote will be denied the right to do so. If you do not have a photo ID or are indigent and unable to obtain one without payment of a fee, you may cast a provisional ballot, and will have six days to provide your photo ID and/or an affirmation to your county elections office to have your ballot count.