

## **Comments of the League of Women Voters of Virginia on the Proposed Regulatory Documents for Voter Photo Identification Cards: May 6, 2014**

The League of Women Voters of the Virginia appreciates the opportunity to comment on the proposed regulations for the Voter Photo Identification Document although we continue to believe that the legislation requiring the use of a photo ID by Virginia voters is unnecessary and a step backward in facilitating participation in our democracy for all eligible Virginia citizens.

Because of our belief that election laws and procedures should be designed to facilitate voting and encourage participation of a large percentage of citizens in all elections, we believe that access to the free photo ID requires:

- Amending proposed section D to state that General registrars may “and are encouraged to” solicit applicants outside their offices. The sentence stating that they shall not be required to offer this service should be deleted. We would prefer that some requirement be established that takes into consideration the ability of the office to staff this activity. Perhaps the following suggested edits for sections A 3 and 4 would resolve this problem.
- Amending proposed sections A 3 and 4 to enable “any general registrar or person designated by the general registrar” to take the photograph and obtain the signature of the voter. This would not only ensure that there is no question that a person could obtain the ID from any registrar’s office in Virginia, but enable the task to be handled by trained volunteers. Since the voter registration system required by § 24.2-404A is a state-wide system, we do not agree with those who would limit access to only those residing in that jurisdiction.
- Adding a regulation that requires General registrars to provide voter photo identification cards to all eligible applicants who apply at their office on days and during the hours that the office is normally open. This reinforces the requirement to serve all eligible Virginians, no matter their jurisdiction of residence.
- Including the proposed section E preventing a registered voter from being turned away because she was included in the DMV database.

We believe that providing a temporary voter identification document if the registered voter’s application is made after the deadline for registering to vote in the upcoming election as provided in section B is necessary. It will eliminate a lot of potential problems at the polling place. It is important that:

- The form or format used throughout the Commonwealth be established by the Department of Elections,
- Issuance of the temporary identification document be flagged in the EPB, and
- Training about the use of these documents be provided to election officers.

Just as the Department of Elections will need to revise voter registration forms, documents and information to indicate the need to provide a photo ID at the polls, General registrars and electoral boards need to be advised to do likewise. This affects staff and volunteer training as well as public information sources and activities.

Several sections need to be clarified. These include:

- The definition of the voter photo identification card needs to be distinguished from the “other” voter registration card also required by §24.2-404 A 3. Both need to be defined, hopefully with more distinguishable names. References to the card, e.g. section A 1, need to be the same as the definition.

- The voter registration system mentioned in section A 2 needs to reference §24.2-404 A of the Code.
- Note specifically that section B covers **registered** voters to distinguish it from section C that applies to **unregistered** voters. Further, section C would be more easily understood if the clause, “when submitting an application for voter registration,” were to be inserted after the first comma.
- Since these state-provided photo IDs are to be used only for identification to vote, this needs to be made clear in section B.

It is always important to anticipate potential problems, especially those that cause voter confusion and delays at the polls. While some of these have been covered above, two more come to mind:

- The SBE should consider providing a receipt to persons who have their photo taken for the ID to be prepared, so that persons not receiving the ID within a reasonable amount of time will know with whom to follow-up. This would not be important if the process was completed by the General registrar, but becomes important since it involves an outside contractor.
- The fact that election officers are not to be “photo police” or otherwise spend an excessive amount of time comparing photos at the polls needs to be emphasized in training sessions and materials.

Finally, the need for, and meanings and connections of, the references included in section G should be explained and clarified. In addition, the decision (minutes of SBE meeting of April 23, 2014) to exclude any mention of “felony penalty” on the photo ID application form based on advice from the Attorney General’s office and the fact that the legal justification to require such a warning does not exist should be noted.