

TESTIMONY AGAINST THE ID REQUIREMENTS OF HB 41 AS INTRODUCED, AND IN FAVOR OF SUB VERSION (L-132-0512-1): *Footnotes Revised April 26, 2017*

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As introduced, HB 41 institutes a more complicated ID requirement for early-in-person (EIP) voting but does not do so for vote-by-mail (VBM). Yet both EIP and VBM were instituted as different forms of one process – Absentee voting. This unique targeting of EIP is highly suspect because in large Ohio counties, African American populations disproportionately use EIP as a favored form of voting, and therefore would be prejudicially affected by the more complicated ID requirements of HB 41 as introduced. In addition, VBM, which would not be affected by the proposed legislation, was underutilized by African-Americans in the 2016 election. All these disparities could constitute a violation of equal protection and thereby could expose the state to legal action.

Supporting Data: Analyses by different methods in several large counties found that in counties with substantial African American populations, early in-person voters were disproportionately African American<sup>2</sup> (see Table, below). For instance, in Cuyahoga County, two different studies showed that 56% or 78% of EIP voters in the 2008 General Election were African American, whereas African-Americans were only 30% of all registered voters. In other words, by a factor of 2 compared to whites, African Americans preferentially used EIP.

General Election	County	% African American	
		Early in-person voters	County-wide
2008	Cuyahoga <sup>3</sup>	56, 78	30.2
2008	Franklin <sup>4</sup>	30.8	21.8
2012	Hamilton	38.2	25.9
2012	Mahoning	23.0	16.0
2012	Montgomery	43.8	21.1

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<sup>2</sup>See reports: Robbins & Salling, Racial and ethnic proportions of early in-person voters in Cuyahoga County, <https://drive.google.com/file/d/0B4HH5KrGW6jiZXdOc1FIWWdEbDhIZlh2ejZYa3BEX0hCNjli/view> ; Brill. Franklin County: 2008 Early In-Person Voting (request from the Franklin County Board of Elections) The second estimate (77.9%) of African American EIP voters was reported by Weaver & Gill, Early voting patterns by race in Cuyahoga County, Ohio. Available at: [http://www.acluohio.org/wp-content/uploads/2014/08/NAACP.V.Husted-MPIEx8-2014\\_0630.pdf](http://www.acluohio.org/wp-content/uploads/2014/08/NAACP.V.Husted-MPIEx8-2014_0630.pdf). For other counties, zip code demographic information was used along with the database of early-in-person voters to estimate % African American voters.

In addition, whereas the majority white population was more likely to have a driver's license, a University of Wisconsin study reported that minorities were far less likely to have a driver's license than the majority Caucasian population<sup>3</sup>. Thus, HB41 as introduced selectively imposes an inconvenient form of ID on the majority of EIP users.

Finally, an estimate of ethnic percentages using VBM in the 2016 general election in Cuyahoga County showed that 22% were black and 69% white<sup>4</sup>. Since African-Americans were approximately 30% of the Cuyahoga County population, they clearly were underutilizing VBM.

In sum, HB41 as introduced imposes a less-complicated form of ID for the form of absentee voting (VBM) which is underutilized by African Americans, and requires more complicated ID in the form of absentee voting (EIP) which is disproportionately utilized by African Americans. This is patently unfair.

<sup>3</sup>Tables on pages 6 & 7, The Driver License Status of the Voting Age Population in Wisconsin, 2005  
<http://www4.uwm.edu/eti/barriers/DriversLicense.pdf>

<sup>4</sup>In order to estimate racial likelihood of any voter, the voter's address was geocoded to the census block level, and the 2010 census data on racial proportions of each block were used to determine the likelihood of the voter being African American or white. These likelihood estimates were done by M. Salling, Northeast Ohio Data & Information Service at Cleveland State University Levin College of Urban Affairs, using the complete roster of 2016 General Election VBM voters available on the Cuyahoga County Board of Elections website.