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**Local Government, Public Safety, & Veterans Affairs Committee
Sponsor Testimony: Senate Concurrent Resolution 2
February 14, 2017**

Chairman Uecker, Vice Chairman Wilson, Members of the Committee: Thank you for allowing me to present sponsor testimony on Senate Concurrent Resolution Number 2.

This resolution encourages local governments in the State of Ohio to institute municipal identification card programs. Municipalities across the country, from New York City to San Francisco, issue these identification cards to their residents. Cincinnati and Dayton offer a city ID card, and Columbus is in the process of enacting legislation to issue a city ID card.

These cards are particularly valuable to community members who may face barriers to obtaining a driver's license or other state-issued ID, such as the homeless, foster youth, undocumented immigrants, and the elderly. Recipients can benefit from access to basic services and civic institutions where documentation of identity and residency is required.

Who Can Benefit?

Undocumented Immigrants

Most cities in the United States have a significant immigrant population, some portion of which is undocumented or under-documented. These immigrants make critical contributions to the civic and economic life, but often live in fear as a result of a lack of documentation. Undocumented people often have no valid ID to present to any local authority, cannot sign leases or open bank accounts, enter their children's schools, and fear contact with government even if they qualify for particular benefits or need to report a crime.

Senior Citizens

Eighteen percent of all seniors do not have picture ID. Especially in cities, many seniors who do not drive do not have an incentive to go through the difficult and expensive process of compiling the documentation necessary to obtain a state issued photo ID. Oftentimes, seniors rely on Medicare or social security cards as forms of identification. Although acceptable in many contexts, these forms of ID lack a picture and address, which limits their usefulness. Since seniors, especially low income seniors, are a group especially in need of government services, a municipal ID card program should be designed to address any gaps in accessibility in programs particular to local seniors.

Homeless residents

A municipal ID card may also be used by homeless residents, and to the many people with changing living situations. Many homeless people do not have identification, or have identification that local police and local business do not accept. Often the primary form of ID that a homeless person has is an Electronic Benefit Transfer card (EBT card), which does not include an address. Homeless residents and their advocates can advise policy makers on establishing alternative address requirements for homeless individuals, for example, by allowing applicants to use the address of a shelter or lawyer, or social services agency.

Youth

Young people, especially those with unstable home environments, often have trouble obtaining IDs either because of the cost or because they do not have access to necessary documents. Youth of color are often targeted by police, and having valid ID can help them avoid being detained or issued a summons. A municipal ID card program that is designed to be accessible to youth can also be a way to connect youth with supportive services – such as afterschool programs, job search and training programs, and English language learning. Some jurisdictions also include emergency contact information on their cards, a feature that is particularly appealing to parents.

Benefits of a Municipal ID Card

Safety

Reports from cities that have municipal ID programs indicate that the cards can serve an important public safety function. Residents carrying a card can easily establish their identity when interacting with law enforcement, especially if there is a language barrier.

Access to Services

The ID can allow for people to open bank accounts, apply for hospital services, check out library books, and access city beaches and parks, many for the first time.

How to Qualify for a Municipal ID Card

All municipal ID card programs require that applicants prove identity and residency, but programs differ in the kinds of proof they accept in each of these categories. Eligibility requirements are one of the most important aspects of any municipal ID card because they determine how accessible the ID card will be to community members who have difficulty obtaining other forms of government issued ID. While it is essential for the legitimacy of the card that cities do verify identity and residency, cities should ensure that they accept as many different kinds of documentation in as many different combinations as possible. If a municipal ID is nearly as restrictive as state-issued IDs in its application requirements, the program will end up shutting out the very people it intends to benefit most.

Cities should survey their populations early in the program to find out their particular needs. For example, cities should take special steps to address the burdens that homeless individuals and victims of domestic violence often face in proving residency. Applicants should be permitted to use the home address of a local family member, or the address of a local shelter, social service agency, or legal service provider as their municipal ID card address.

Costs

The costs of running a municipal ID card program vary widely depending on the size of the city and method chosen for administering the program. By far the biggest cost of running a municipal ID card program is staffing. In some locations, existing staff receive additional training in document review.

In Cincinnati the card costs \$15 dollars, but financial assistance is available. Applicants have to show two forms of identification to receive a card. Those can include birth certificates, consular IDs, passports and letters from social service organizations.

The Card Does Not Give Any Additional Benefits

Although a municipal ID card may be helpful to residents in securing benefits to which they are already entitled, it does not confer any new benefits not already available to an individual under existing law.

The local identity cards do not grant legal residency or the right to work. They are intended to fold these people into the fabric of the community by giving them entree to services and places that require some sort of recognized identification.

The municipality is not giving a person a pass or anything like that; they are just accepting that person as a member of the community.

No Conflict With Federal Law

There is no federal law prohibiting a municipal government from issuing its own ID cards.¹⁶ Municipal ID cards fall squarely within long recognized local “police powers,” giving municipalities the authority to enact laws for the welfare of their residents.

Nor does any provision or set of provisions in federal law pre-empt the municipal ID concept. To be preempted, a state or municipal law must either occupy an area of law in which the federal government has exclusive power, or conflict with federal law in such a way as to make adherence to both federal and local law impossible. Although municipal ID card legislation does typically contain language explicitly extending card benefits regardless of immigration status, none of the municipal ID laws in effect today effect the operation or enforcement of federal immigration law itself. There is nothing in any existing municipal ID legislation that attempts to regulate immigration, or that interferes with the execution of immigration policy. Municipal ID card programs are offered to all residents of a city, not exclusively to the undocumented population. The only court to rule on municipal ID so far found San Francisco’s municipal ID card program *not* preempted by federal law.

None of the current municipal ID card programs have their IDs accepted for federal purposes, and most jurisdictions have been clear in their outreach and education about the card that it is not an acceptable form of ID for travel, or for any other federal purpose.

Security

Municipal ID cards should be designed, and programs implemented, in such a way as to prevent fraud or misuse. There are 2 main components to card security:

1. Card design

One of the simplest ways to prevent fraud is by making the card difficult to counterfeit. Cities have incorporated a range of design features to accomplish this, such as holograms, embedded watermarks, and tamper-proof magnetic stripes.

2. Document authentication

The document authentication process is another important part of card security. Staff should be trained in document review and provided with the necessary equipment and information to evaluate document authenticity.

Notably, there have been almost no instances of suspected fraud in any of the jurisdictions that currently run municipal ID card programs. When New York City released its first report to the City Council in March 2015, there were only 2 instances of possible fraud detected among more than 100,000 processed applications.

This resolution will demonstrate our intention to make our communities more inclusive. Municipal identification programs are also an opportunity for our cities to be centers of democracy. This resolution is meant to show respect for the identity of all Ohioans, regardless of their status.

Thank you for allowing me to present sponsor testimony on SCR 2. I will be happy to answer any questions.