

# ISSUE BRIEF

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## Lessons from the Voter ID Experience in Kansas

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The latest data compiled by the Secretary of State of Kansas, Kris Kobach, about the state's experience with voter ID once again shows that the claims by opponents of voter identification are wrong.<sup>1</sup>

Kobach reported that just 32 of the state's 1.7 million voters requested free IDs from the state so they could vote under the Secure and Fair Elections Act of 2011, which took effect January 1. Contrary to the assertions of opponents to voter ID laws that there are large numbers of American voters without a government-issued photo ID, Kansas has had to issue a remarkably small number of IDs to individuals who did not already have one since its new law became effective—just 0.002 percent of registered voters.

### **The Kansas Experience.**

Kansas's law requires voters who

cast ballots in person to present any of nine forms of acceptable photo ID. It requires those who vote absentee to submit a verified signature and include either a photocopy of one of the nine forms of ID or a Kansas driver's license number with the absentee ballot.

The acceptable forms of ID under Kansas law<sup>2</sup> are:

- A driver's license issued by Kansas or by another state or district of the United States;
- A state identification card issued by Kansas or by another state or district of the United States;
- A concealed carry handgun license issued by Kansas or a concealed carry handgun or weapon license issued by another state or district of the United States;
- A United States passport;
- An employee badge or identification document issued by a municipal, county, state, or federal government office or agency;
- A military identification document issued by the United States;
- A student identification card issued by an accredited postsecondary institution of education in the state of Kansas;
- A public assistance identification card issued by a municipal, county, state, or federal government office or agency; or
- An identification card issued by an Indian tribe.

The law includes exemptions for military and overseas citizens voting under the federal Uniformed and Overseas Citizens Absentee Voting Act, voters with religious objections to photographic ID, and those with physical disabilities that prevent them from traveling to a "county or state office to obtain a qualifying form of identification." Those 65 or older may use expired photo IDs.

Voters who apply in person for an absentee ballot must produce the same documents.<sup>3</sup> Those who apply by mail must provide:

- A valid Kansas driver's license number;
- Nondriver's identification card number; or

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- A photocopy of any identification acceptable for in-person voters.

Those without a photocopy of an acceptable form of ID can request one from the state at no cost. The state will also provide free photo IDs to all Kansas citizens who sign forms stating they do not have one as well as a free Kansas birth certificate to those who lack proof of identity. Individuals born outside Kansas who do not have proof of identity and who do not want to pay for a birth certificate from their home state can apply for a state voter ID that is valid only for voting.<sup>4</sup>

**Registered Voters and Photo ID.** Kobach went all out to educate voters about the new law. He set up a detailed website that explains the new procedures and provides downloadable images, brochures, and postcards that can be used by anyone, including third-party organizations that conduct voter-registration drives. He embarked on an 11-city educational experience called “Kobach’s Voting Tour.”<sup>5</sup> His office aired radio spots and newspaper ads statewide and even uploaded a video to YouTube that outlines the new law.

Out of a total of 1.713 million registered voters in Kansas, only 32 people had requested a free photo ID as of May 4, 2012.<sup>6</sup> That represents only

0.002 percent of the registered voters in the state. Of those 32 voters, 80 percent were white, 10 percent were black, and the race or ethnicity of 10 percent was unknown. Thus, there is no evidence that minority voters were disproportionately affected.

Since the new photo-ID requirements went into effect on January 1, 53 Kansas counties and municipalities have held local elections, with a turnout of 68,047 voters. In those elections, a mere 84 people failed to present a photo ID at the polling place and were given provisional ballots. According to the Office of the Secretary of State, the great majority of those 84 voters had Kansas driver’s licenses but simply forgot to bring them to the polls. Of those, 39 had their provisional ballots counted after they showed a photo ID to county election officials prior to the county canvas. Thus, only 0.06 percent of voters failed to show a photo ID to cast a ballot in those local elections, but many of them could have done so, and those few without an ID could have easily obtained a valid ID.

**Easy to Vote, Hard to Cheat.** Although not even a scant 0.002 percent of voters in Kansas have expressed the need for an ID, critics like the Brennan Center still maintain that these easily-complied-with voter ID laws are too strict and will

impair at least 11 percent of eligible voters who supposedly do not have IDs.<sup>7</sup> The center further claims that the percentage is even higher for the elderly and minorities. But this recent Kansas data, which supplements the data from five years of experience with voter ID in Georgia and Indiana, clearly shows those estimates by the Brennan Center and others are grossly overstated.

Requiring photo ID is a common-sense election reform that is supported by a majority of the American people of every race and ethnic background. The state of Kansas has provided ample opportunity for those who do not have a photo ID to easily obtain one. The incredibly small number of individuals who have requested such an ID shows that voters overwhelmingly possess photo ID. There is no evidence whatsoever that the new Kansas requirement has disfranchised eligible voters.

As Secretary Kobach has said about this positive reform, “The system is really designed to ensure that it’s easy to vote and hard to cheat and I think we accomplished that.”<sup>8</sup> Opponents of voter ID laws and other measures intended to strengthen the integrity of our election process, including the Department of Justice, need only look to the evidence in states such as Kansas to see that

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1. For information on Georgia’s experience with voter ID, see Hans A. von Spakovsky, “Lessons from the Voter ID Experience in Georgia,” Heritage Foundation *Issue Brief* No. 3541, March 19, 2012, <http://www.heritage.org/research/reports/2012/03/lessons-from-the-voter-id-experience-in-georgia>.

2. Kan. Stat. Ann. § 25-2908 (2011), amended by 2012 Kan. Sess. Laws 122. Effective January 1, 2013, persons registering to vote for the first time will have to provide proof of U.S. citizenship.

3. Kan. Stat. Ann. §25-1122 (2012).

4. Kansas Secretary of State, “Valid Forms of Photographic Identification,” GotVoterID.com, <http://www.gotvoterid.com/valid-photo-ids.html#idlist> (accessed July 17, 2012).

5. Kansas Secretary of State, “Kobach’s Voter Tour,” GotVoterID.com, <http://www.gotvoterid.com/tour.html> (accessed July 5, 2012).

6. All figures on turnout and photo IDs are from the Office of the Kansas Secretary of State.

7. Brennan Center for Justice, “Voter ID,” [http://www.brennancenter.org/content/section/category/voter\\_id/](http://www.brennancenter.org/content/section/category/voter_id/) (accessed July 5, 2012).

8. DeAnn Smith, “Kobach: Kansas Voter Law Will Withstand Legal Scrutiny,” KCTV/Associated Press, March 12, 2012, <http://www.kctv5.com/story/17142055/kobach-kansas-voter-id-law-will-withstand-legal-scrutiny> (accessed July 23, 2012).

their opposition is misplaced: These laws are not discriminatory and do not disfranchise voters.

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