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FISCAL IMPACT REPORT

ORIGINAL DATE 1/19/08

SPONSOR Morales LAST UPDATED _____ HB _____

SHORT TITLE Eliminate Election Use of SS Numbers SB 81

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Association of County Clerks (ACC)
 Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 81 eliminates the use of voters' social security numbers on certain election-related documents; changes certain election code terminology, the definition of "required voter identification", and requirements for certain absentee ballot materials.

The specifics of the bill are listed below.

Section 1: amends Section 1-1-24 so that a voter identification card is no longer a permissible form of Voter ID. The bill would now allow an in-person voter to satisfy the Voter ID requirement by stating his name, address as registered, and year of birth. S/he no longer has to state her/his unique identifier number.

Section 2: amends Section 1-4-5 to make clear that election officials, in their official capacity, may copy or use a voter's social security number.

Sections 3, 4 and 8: amends Section 1-5-7, -8, 1-12-7.1 to delete the use of "precinct voter lists", provide for the use of "checklist of voters" and prohibit "signature rosters" from having the voter's social security number. Amends Section 1-5-8 and 1-12-7.1 to require the county clerk to place an alphabetical listing of voters in each precinct and have posted inside the polling place for public use. The list shall not contain voter addresses, years of birth, unique identifiers or so-

cial security numbers.

Sections 5, 6 and 7: amends Sections 1-6-4, -8, -9 so an absentee voter can satisfy the Voter ID requirement by writing her/his name, address as registered, and year of birth on the absentee ballot envelope flap. S/he no longer has to write her/his unique identifier number.

Section 9: amends Section 1-12-25.3 so a provisional voter does not have to list his social security number on the outer envelope of a provisional ballot.

Finally, this bill does not prohibit the use of a social security numbers for voter registration purposes.

SIGNIFICANT ISSUES

The Association of County Clerks explains that this bill fixes a problem that was created last year when the legislature banned the use of the last four digits of the SSN for the voter to identify themselves at the polls. The existing law permits a voter to provide physical ID or state his name, year of birth and unique identifier. In 2007, the legislature changed the definition of “unique identifier” from the voter’s last four social security numbers to a randomly generated series of numbers and letters, issued to the voter by the Secretary of State’s office. This means an in-person voter must satisfy voter ID requirements by either showing physical ID or stating his name, year of birth, and assigned number/symbol. It is unlikely a voter will remember his unique identifier (i.e. 8&45TRGHI*5) and therefore it is likely that many voters will have to show physical Voter ID in order to be eligible to cast a valid ballot. There will be a terrible effect on absentee voting if this is not corrected, because county clerks can’t just give out this information over the phone, so people won’t know what this 6 or 7 digit number is unless they have their voter card in a handy place. ACC encourages passage of this bill and it made effective before the election. This bill will now allow an in-person voter to state his name, year of birth, and address as registered to satisfy the Voter ID requirement and an absentee voter to write his name, year of birth, and address as registered on the absentee ballot envelope flap to satisfy the Voter ID requirement.

The AGO adds that the propriety of requiring physical Voter ID to vote is subject to pending litigation in the United States Supreme Court. *See Crawford v. Marion County Election Board* and *Indiana Democratic Party v. Rokita*.

TECHNICAL ISSUES

There is still a reference to a voter using a social security number as part of casting ballots in the Municipal Election Code in Section 3-9-4(F).

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Possible problems in confirming voter identification, which could delay or disenfranchise voters.

EO/nt