



State Headquarters
2966 Woodward Avenue
Detroit, MI 48201
Phone 313.578.6800
Fax 313.578.6811
E-mail aclu@aclumich.org
www.aclumich.org

Legislative Office
P.O. Box 18022
Lansing, MI 48901-8022
Phone 517.372.8503
Fax 517.372.5121
E-mail lansing@aclumich.org
www.aclumich.org

West Michigan Regional Office
1514 Wealthy St. SE, Suite 242
Grand Rapids, MI 49506
Phone 616.301.0930
Fax 616.301.0640
Email aclu@aclumich.org
www.aclumich.org

November 7, 2016

Janice Winfrey, City Clerk
City of Detroit
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 200
Detroit, MI 48226
winfreyj@detroitmi.gov
(313) 224-1466 (fax)

VIA EMAIL, FACSIMILE
AND FIRST CLASS MAIL

Re: Stop Misleading Detroit Voters About Need to Bring Picture ID to the Polls

Dear Ms. Winfrey:

The ACLU of Michigan is extremely disappointed and frustrated by the fact that you continue to tell Michiganders that they cannot vote unless they have picture ID. This information is not only false, but it can cause the disfranchisement of thousands of eligible Detroit voters who do not have picture ID or forget to bring it with them to the polls.

Although voters who do not have ID may vote in Michigan, you insist on telling voters that they cannot vote unless they have ID. For example, on October 28, in an extended interview on Fox 2 News, you said the following:

“It’s state law that [voters] need to bring a current, government issued ID. That can be a driver’s lincense, a state ID, a school ID. Anything that’s a legal, current identification -- picture identification.”

See <http://www.fox2detroit.com/news/elections-2016/214265056-story>.

Similarly, in a TV commercial you produced about voting, you specifically said, “Don’t forget your ID,” without mentioning that people who don’t have ID or don’t have ID with them can still vote in Michigan. This commercial would lead the average viewer to believe that people without picture ID cannot vote.

Your misinformation campaign is extremely frustrating to civil rights organizations like the ACLU that fight to make sure that every eligible voter is able to vote. The ACLU has successfully fought state laws across the country that require picture ID on the ground that such

laws disproportionately prevent people of color, the elderly and individuals with disabilities from voting.¹

In Michigan, however, we should not have to have this fight because, in Michigan, picture ID is not required to vote. Registered voters are able to vote in Michigan without picture ID if either (1) they do not possess picture ID, or (2) they did not bring picture ID with them to the polls. All these voters must do to vote is sign a simple affidavit form at the polls and their ballot will be counted. In most precincts, these forms are printed on the back side of the voter application that every voter must sign.

As the Secretary of State's website clearly explains:

Every Michigan voter who offers to vote in the polls must comply with the requirement by showing picture identification or signing an affidavit attesting that he or she is not in possession of picture identification. (See MCL 168.523² for voter identification requirement.)

* * *

Voters without picture ID: Michigan election law anticipates that not all voters will have picture ID. Voters who do not have acceptable picture ID or forgot to bring acceptable picture ID to the polls can vote like any other voter by signing an affidavit. Questions regarding the voter identification requirement can be directed to your local city or township clerk's office.

See http://www.michigan.gov/documents/sos/Notice_To_Voters_209345_7.pdf.

The danger in suggesting that people cannot vote without picture ID is that it could easily deter eligible voters from exercising their fundamental right to vote. Studies show that 1 out of 10 voting-aged citizens do not have a current, government-issued picture ID.³ In addition, picture

¹In the past three years, the ACLU won lawsuits challenging ID requirements in North Carolina, Wisconsin, Pennsylvania and Arkansas. See <https://www.aclu.org/blog/speak-freely/let-people-vote-our-fight-your-right-vote-election>.

² Specifically, this statute states, in relevant part: "If the elector does not have an official state identification card, operator's or chauffeur's license, or other generally recognized picture identification card as required under this subsection, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act." MCL 168.523(2) (emphasis added).

³ See, e.g., Keesha Gaskins and Sundeep Iyer, *The Challenge of Obtaining Voter Identification*, BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY SCHOOL OF LAW (2012), available at http://www.brennancenter.org/sites/default/files/legacy/Democracy/VRE/Challenge_of_Obtainin_g_Voter_ID.pdf.

ID laws have a disproportionate and unfair effect on low-income individuals, racial and ethnic minorities, students, senior citizens and voters with disabilities.⁴

We understand and support your decision to encourage people who have picture ID to bring it with them to the polls because it helps to keep the lines moving. But there is no reason to mislead eligible voters not to exercise their fundamental right to vote because they don't have ID. Such misinformation campaigns are tactics used by those who want to suppress the vote in poor communities and communities of color. It should not be a campaign of the Detroit City Clerk.

In short, please help us educate the public that under the Michigan voter ID law, those who do not own picture ID and those who do not bring picture ID with them to the polls may, in fact, cast a vote and that the vote will count. We urge you to:

- Widely publicize the fact that registered voters without a picture ID may vote in the November 8 general election by featuring the information on the affidavit option in any and all local publications prior to Election Day.
- Post at all polling places the sign on the Secretary of State's website, which correctly informs voters that they may, in fact, vote without a valid picture ID by signing the affidavit form.⁵
- Prominently display the correct voter identification rules on your website, which, as far as we can tell, says nothing about Michigan voter ID requirements.
- Ensure that all poll workers receive ample training on the affidavit option.

Thank you for your prompt attention to this important matter.

⁴ See *id.*; see also U.S. GOV'T ACCOUNTABILITY OFFICE, GAO 14-634, ELECTIONS: ISSUES RELATED TO STATE VOTER IDENTIFICATION LAWS (2014); *Oppose Voter ID Legislation – Fact Sheet*, AMERICAN CIVIL LIBERTIES UNION (July 21, 2011), <https://www.aclu.org/voting-rights/oppose-voter-id-legislation-fact-sheet>.

⁵ See http://www.michigan.gov/documents/sos/Notice_To_Voters_209345_7.pdf.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M.J. Steinberg', with a long horizontal flourish extending to the right.

Michael J. Steinberg, Legal Director
Dan Korobkin, Deputy Legal Director
American Civil Liberties Union of Michigan
2966 Woodward Avenue
Detroit, MI 48201
Direct Line: (313) 578-6814
msteinberg@aclumich.org