
May 15, 2008

MISSOURI'S PROPOSED VOTING REQUIREMENT COULD DISENFRANCHISE MORE THAN 200,000 U.S. CITIZENS

Rural, Low-Income, and African American Residents Among Most Affected

by Donna Cohen Ross and Allison Orris

Missouri's legislature is considering a constitutional amendment permitting the state to require residents to provide documentary proof of their U.S. citizenship in order to vote. If implemented, it risks disenfranchising large numbers of Missouri residents who are U.S. citizens.

The amendment does not specify the forms of documentation the state would accept as proof of citizenship, but it appears likely that residents would have to produce a certified birth certificate or passport. Proof of citizenship is generally established in one of two ways, either through production of a birth certificate or passport or through production of certain forms of government-issued photo ID, but these IDs themselves generally cannot be obtained without a birth certificate or passport.

Results from two national surveys show that a large number of citizens lack birth certificates or passports including disproportionately large numbers of people in potentially vulnerable groups such as low-income, African American, and elderly residents. In addition, a similar requirement recently imposed in Medicaid effectively pushed tens of thousands of eligible people off the program and demonstrated that obtaining the documents can prove difficult, time-consuming, and, in some cases, essentially impossible.

Large Numbers of Missourians Lack the Required Documents

A January 2006 survey that Opinion Research Corporation conducted for the Center on Budget and Policy Priorities found that nearly 11 million native-born American adults, or 5.7 percent of the native-born adult population, lack the documents the Missouri proposal would require.¹ A survey the same firm conducted for the Brennan Center for Justice found similar results.²

- **Assuming that this 5.7 percent share is the same in Missouri as in the nation as a whole, we estimate that 238,000 Missourians lack these documents. Many would likely be**

¹ For the precise wording of the survey questions, see Leighton Ku, Donna Cohen Ross, and Matt Broaddus, "Survey Indicates the Deficit Reduction Act Jeopardizes Medicaid Coverage for 3 to 5 Million U.S. Citizens," Center on Budget and Policy Priorities, revised February 17, 2006, <http://www.cbpp.org/1-26-06health.pdf>.

² See "Citizens Without Proof," November 2006, http://www.brennancenter.org/page/-/d/download_file_39242.pdf.

unable to obtain them on a timely basis and therefore would effectively be disenfranchised.

The survey also found that certain demographic groups are much less likely than others to have the required documents and thus would suffer disproportionate harm under the Missouri requirement. These groups include people without a high school diploma (9.2 percent of whom lack the documents), rural residents (9.1 percent of whom lack them), African Americans (8.9 percent of whom lack them), households with incomes below \$25,000 (8.1 percent of whom lack them), and the elderly (7.4 percent of whom lack them).

One reason many African Americans lack the documents is that a substantial number of African Americans born in the South before World War II were born at home and thus never received birth certificates, largely because of racial discrimination or poverty that kept their mothers from delivering in hospitals. One study estimated that a fifth of African-Americans born in 1939-40 lacked a birth certificate.

Assuming that the above percentages are the same for Missouri as for the nation as a whole, the estimated 238,000 Missourians who lack these documents would include:

- **more than 90,000 rural residents;**
- **70,000 low-income residents;**
- **50,000 residents without a high school diploma;**
- **50,000 elderly residents; and**
- **40,000 African Americans.**

Similar Requirement in Medicaid Has Harmed Tens of Thousands of U.S. Citizens

Obtaining a birth certificate or passport can take weeks or months and involve costs that can be difficult for some low-income families to absorb: it can cost \$5 to \$23 to get a birth certificate, depending on the state, while a passport costs \$87 to \$97 and now entails extended waits. Obtaining a birth certificate can be especially time consuming for people not living in the state of their birth. This is a significant problem for Missouri, since more than one-third (36 percent) of its adult residents were born in another state.³

Evidence that the difficulty of obtaining these documents can cause otherwise-eligible people to lose valuable benefits comes from Medicaid, which in 2006 began requiring most U.S. citizen applicants and recipients to document their citizenship by providing an original birth certificate, passport, or similar document. This is what has happened:

- **Tens of thousands of eligible citizen children have been denied coverage.** In numerous states, thousands have been removed from, or denied entry into, Medicaid; many apparently became (or remained) uninsured.

³ Data from Census Bureau's 2006 American Community Survey.

- **Virtually no cases of fraud have been found.** The six states that have examined this issue in greatest detail found that the new requirement, which had delayed or denied Medicaid coverage for tens of thousands of people and had cost states \$17 million to administer as of July 2007, had identified a total of *eight* undocumented individuals seeking to obtain Medicaid illegally.⁴ (It is worth noting that some or all of these eight people might have been caught under the previous procedures.⁵) In addition, in Oklahoma — which has yet to identify a single undocumented immigrant on its Medicaid caseload — 13 percent of the 20,000 people who had been dropped from Medicaid as of January 2008 under the new rule are Native Americans (and thus are clearly not immigrants).⁶
- **Whites and African Americans have been hit the hardest.** The Medicaid requirement was ostensibly aimed at undocumented immigrants, most of whom are Hispanic. Yet the children who have lost coverage due to the requirement are disproportionately *non*-Hispanic, according to the three states that have reported these data.⁷ This fact demonstrates that the requirement's main impact has been on U.S. citizens. (Hispanic citizens might be less affected than white or African American citizens because they are often concerned that their citizenship status may be questioned and thus are likely to make sure that they have readily available vital documents to prove it.)
- **Medicaid enrollment has dropped, while administrative costs have risen.** Thirty-seven states say the new requirement has caused eligible citizen children to lose Medicaid coverage, while 45 states say it has increased administrative costs, according to the Kaiser Commission on Medicaid and the Uninsured.⁸

The fact that tens of thousands of American families were unable to meet this documentation requirement, even on such a high-stakes matter as obtaining health coverage for their children, speaks volumes about the likely impact on Missouri if it were to adopt a similar rule for prospective voters. Missouri's proposed voting requirement would undermine the legitimacy of elections in the state by making it difficult or impossible for many of the state's citizen residents to exercise their right to vote.

⁴ "Medicaid Citizenship Documentation Requirements Deny Coverage to Citizens And Cost Taxpayers Millions," Majority Staff, Committee on Oversight and Government Reform, July 24, 2007.

⁵ Formerly, most states required documentation from citizen applicants if there were reason to question an applicant's truthfulness. States also checked with the Social Security Administration to ensure that applicants have valid SSNs, and continue to do so.

⁶ Barbara Basler, "Are You a Citizen? Prove It," *AARP Bulletin*, March 2008.

⁷ This would not be occurring if the requirement were affecting undocumented immigrants, since an estimated 78 percent of undocumented immigrants are from Mexico, Central America, or South America, according to the respected Pew Hispanic Center. See Jeff Passel, "The Size and Characteristics of the Unauthorized Migrant Population in the United States," Pew Hispanic Center, March 2006.

⁸ Vernon Smith *et al.*, "As Tough Times Wane, States Act to Improve Medicaid Coverage and Quality," Kaiser Commission on Medicaid and the Uninsured, October 2007.