

Tighter Voter ID Requirements Come with a Cost



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Costs could exceed \$1 million

By Laura Goren, Sara Okos and Michael J. Cassidy

Executive Summary

The General Assembly is currently considering bills that will restrict access to voting while imposing unnecessary additional costs on the state and localities. Under SB1 and HB9, voters who show up to the polls without an acceptable form of identification would be required to vote provisionally. Significant implementation costs would exist.

By changing voting rules as laid out in SB1 and/or HB9, Virginia would need to undertake substantial voter education and outreach in order to inform voters of what is expected of them at the polls, revise its training of local election officials, and process additional provisional ballots. In addition to these costs, the changes in law are likely to create confusion and delay at the polls and could prompt expensive litigation.

Enactment of SB1 or HB9 could cost Virginia between \$522,253 and \$1,258,959. This estimate is based on cost estimates of relevant components of these costs in other states who implemented similar voter identification requirements in recent years.

Background on SB1 and HB9

SB1 and HB9 share a feature that will significantly change the way Virginia voters are accustomed to voting: they require voters who show up at the polls without an acceptable form of identification to vote provisionally. Under current law, a voter who comes to the polls without an approved form of identification is allowed to sign a sworn statement of identity in order to cast an official ballot.

- Under HB9, a voter without an approved form of ID would be required to vote provisionally and to provide their social security number (if any), full name including the maiden name or any other prior legal name, date of birth, complete address, and signature. The local board of elections would then either accept the voter's identity or compare the signature on the provisional voting envelope to the signature on file in the voter file.
- Although SB1 expands the list of acceptable identification beyond current options, if a voter does not have one of these pieces of identification at the polling place, they would be required to vote provisionally and provide their social security number, if any, full name including the maiden name or any other prior legal name, date of birth, complete address, and signature. The voter would then have to submit a copy of the identification to the electoral board in order for their vote to count.

Assessing the Costs of Tighter Voter ID Requirements

Evidence from other states shows that more stringent voter identification requirements come with a hefty price tag. Although SB1 and HB9 do not require voters to provide photo identification, many of the same costs associated with implementing new

photo identification requirements would still apply to the implementation of SB1 or HB9. Changing the way Virginians vote requires not only efforts to train local elections officials, but substantial voter outreach and education efforts, as well. In addition, by eliminating the sworn statement of identity as a means of being eligible to cast an official ballot, SB1 and HB9 will shift large numbers of voters from official to provisional ballots. A number of states have already passed stricter voter identification requirements, or have considered them seriously. Based on estimated costs in other states, tighter voter ID requirements could cost Virginia between \$522,253 and \$1,258,959.

Voter Education

The January 30th, 2012 fiscal impact statement prepared for HB9 states that "Some voter outreach, including an organized informational campaign, may need to be developed by the State Board of Elections in order to inform voters of this change in law," but that the State Board of Elections should "absorb" this cost. Yet when we look to other states that have tightened identification requirements for voting, substantial voter education/outreach

The Pricetag on Voter ID Bills

	Lower Bound Estimate	Upper Bound Estimate
Voter Education	\$501,030	\$698,275
Staff Training	\$21,233	\$560,684
TOTAL	\$522,263	\$1,258,959

Source: TCI analysis of fiscal impact statements from NC, MD, MN, and WI.

campaigns have been conducted in order to survive Voting Rights Act and Constitutional challenge. Similarly, in many states with proposed tightening of voter identification requirements, the fiscal impact statements have included the cost of voter education and outreach.

For example, in Maryland¹ and North Carolina², the fiscal impact statements for bills that proposed stricter voter identification rules estimated education/outreach costs of \$500,000 and \$600,000, respectively. Adjusted for the relative size of the states' populations, the proportionate costs in Virginia would be \$698,275 and \$501,030, respectively. With Virginia, like Maryland, having a significant share of its population in the expensive Washington, DC media market, it is likely that Virginia's costs would be at the higher end of these ranges.

Staff Training

The original fiscal impact statement³ for HB9 stated a training cost of \$1,050 in order to train local election officials in the handling of the new identification requirements and the handling of the new provisional ballots. Virginia has about 2,354 polling places and per Virginia code, there must be at least 3 election officers at each precinct: This means Virginia must have, at a minimum, 7,062 election officers who must be trained in the new procedures.

The median salary for personnel at the State Board of Elections is \$49,950⁴. Assuming an additional 30 percent cost for health insurance, retirement, and vacation, total median cost for state board of elections employees is \$64,935, or \$31.22/hour. If the state is paying for training, rather than passing it off as an unfunded mandate on localities, by these estimates they are assuming it would take only 33.6 hours of staff time to train 7,062 election

officers in how to implement the new procedures, or 17.1 seconds per official.

Other states have included staff training costs in their fiscal impact statements for recent photo identification legislation. Minnesota⁵ estimated a cost of \$30,500 for education of election officials, mostly to produce a training video and extend the election judge training session. Nevada⁶ estimated a training cost of \$17,000. Wisconsin⁷ estimated a training cost of \$395,536 due to the need for full-time state staff to provide ongoing support for the local election officials and judges. Adjusted for Virginia's population, these estimates would mean a training cost in Virginia of between \$21,233 and \$560,684.

Provisional Ballots and Other Costs

Even if the state engages in comprehensive training and voter education efforts, drastic changes in voting law such as those included in SB1 and HB9 are likely to introduce a number of other costs. For example, SB1 and HB9 would shift voters who appear in the poll books, but do not have an approved form of ID, from official to provisional ballots. Although these provisional ballots arising from a lack of ID would be treated differently than other provisional ballots, they would still require more attention than official ballots. While the per unit cost of these new provisional ballots is difficult to estimate, the January

30th, 2012 fiscal impact statement for HB9's assumption that all costs can be absorbed by the State Board of Elections is unrealistic given that this legislation would prompt a marked increase in the number of provisional ballots that require staff time and resources to process.

In addition to the processing costs associated with new provisional ballots, such a major change in voting laws is likely to create both confusion and delays at the polls. Finally, because Virginia is subject to Section 5 of the Voting Rights Act, these laws will have to undergo pre-clearance from the Department of Justice. Defending this legislation could become extremely costly⁸, as other states that have imposed greater voter identification restrictions have spent years in court attempting to defend them⁹.

Endnotes

- 1 Maryland HB 288, 2011 Session, http://mlis.state.md.us/2011rs/fnotes/bil_0008/hb0288.pdf
- 2 North Carolina HB 351, 2011 Session, <http://www.ncleg.net/Sessions/2011/FiscalNotes/House/PDF/HIN0351v5.pdf>
- 3 This original fiscal impact statement appears to no longer be available on the LIS website. TCI has posted a copy at http://www.thecommonwealthinstitute.org/wp-content/uploads/2012/02/HB9_original_FIS.pdf.
- 4 Richmond Times-Dispatch Salaries of State Employees 2011 database, <http://datacenter.timesdispatch.com/databases/salaries-virginia-state-employees-2011/>
- 5 Minnesota HF 2010, 2011 Session, http://www.mmb.state.mn.us/bis/frnts_leg/2011-12/H0210_4A.pdf
- 6 Nevada BDR 24-778, 2011 Session, <http://www.leg.state.nv.us/Session/76th2011/FiscalNotes/5558.pdf>
- 7 Wisconsin SB 6, 2011 Session, <http://docs.legis.wisconsin.gov/2011/related/fe/sb6>
- 8 Press accounts report that South Carolina could spend more than \$1 million in its suit challenging the U.S. Dept of Justice's refusal to pre-clear that state's photo ID bill. <http://www.postandcourier.com/news/2012/jan/29/states-lawsuit-over-voter-id-could-cost-more-than>
- 9 See, for example, Georgia's case history, Common Cause/GA v. Billups (Common Cause I), 406 F. Supp. 2d 1326 (N.D. Ga. 2005); Common Cause/GA v. Billups (Common Cause III), 504 F.Supp.2d 1333 (N.D. Ga. 2007), 554 F.3d 1340 (11th Cir. 2009).

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