



Testimony in Opposition to House Bill 934

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To: Pennsylvania House State Government Committee

From: James Browning, Mid-Atlantic Director for Development, Common Cause

Thank you for the opportunity to submit testimony on HB 934.

Common Cause/Pennsylvania is opposed to this legislation for two main reasons. We believe it would unfairly disenfranchise many Pennsylvanians, and we believe the state can ill afford the costs associated with implementing a voter ID requirement—a program that will cost millions of dollars to implement and addresses a problem that essentially does not exist – impersonation of another voter at the polls on Election Day.

The recent experience of Indiana with implementing a voter ID system suggests how costly such a system could be for Pennsylvania. In 2010, to comply with its voter ID law, Indiana issued 168,264 IDs. The materials-only cost for those cards was \$333,162. Total production costs, including man-power, transaction time and manufacturing was measured at \$1,309,093, according to information supplied by Indiana's Election Division. In addition, a "revenue loss" to Indiana of \$2,187,432 (based on \$13 per card) also could be considered. So Indiana says that last year the program cost the state about \$3.5 million.

Indiana has a population of 6 million citizens. It has approximately 4.5 million registered voters. Pennsylvania has a population of about 12.6 million citizens and 8.7 million registered voters. If Pennsylvania's costs per person are similar to that of Indiana's, and we look at all citizens, that means it would cost Pennsylvania close to \$7 million to provide free ID in a mid-term election year. Additionally, Pennsylvania's citizenry is more diverse ethnically and racially and has a substantially higher poverty rate than Indiana, indicating that more people would lack government issued photo ID in Pennsylvania than in Indiana.

However, that figure does not even include a huge list of other major expenses the state will incur.

- **VOTER EDUCATION:** Georgia passed its 2006 photo ID law to correct some of the problems with an earlier incarnation of its ID statute that was struck down in federal court. Among other things, the new law provided

for an education and publicity campaign regarding the new requirements. Yet the court once again blocked the law, emphasizing the inadequacy of the voter education efforts. However, the court stated that “if the State undertakes sufficient steps to inform voters of the [law’s] requirements before future elections, the statute might well survive a challenge.”

The Secretary of State sent multiple mailings and brochures over multiple election cycles to the hundreds of thousands of voters believed to lack driver’s licenses. She advertised extensively on radio and placed public service announcements on cable television reminding voters of the photo ID requirement. In addition, the SOS office distributed information to public libraries and other public facilities across the state. Secretary Handel’s office also partnered with utility companies to include educational inserts about photo ID in utility bills.

The court later upheld the law, noting the significance of the state’s voter education efforts.

State officials agree that voter ID laws require aggressive publicity efforts to inform voters and ensure they aren’t turned away at the polls. In 2010, Missouri estimated that in order to do effective outreach before each election that is likely to draw in new voters, it would cost \$16.9 million over three years for TV announcements and other outreach to the state’s 4 million registered voters.

- **IMPLEMENTATION COSTS**, would be considerable. Here are examples of costs incurred by others states:
 - Expanded poll worker training given the complexity of implementing the requirement on the ground on election day. Missouri estimated this would cost over \$700,000.
 - Hiring more precinct judges and poll staff to handle IDs and provisional ballots and the likely resulting longer lines. In 2009, Maryland estimated that just in Montgomery County additional election judges would be needed if a photo identification requirement is implemented (one per polling place), for which compensation costs would total approximately \$110,000 for a primary and general election. The Missouri fiscal note estimates they will have to hire two new election judges per precinct at a cost of \$576,800.
 - Creating new and supplementing existing training material;
 - Printing additional provisional ballots;
 - Creating new signs for every polling place;
 - Setting up and staffing a help line to answer inquiries from voters
 - Adding and training state and local elections staff. The Wisconsin fiscal note approximates that 4 new full time hires will be needed to assist the localities and implement the new law;
 - Updating the statewide voter registration database and providing training on changes: This may include modifying the database if there are new ID

requirements regarding absentee ballots, to indicate any voters who may be exempt from the new requirements, and to manage new provisional ballot scenarios. Wisconsin estimates this will cost \$138,000.

The bill would also add substantially to the work of our elections officials, many of whom are already stretched thin and burdened by an array of continually changing complicated rules. One example is the additional training poll workers will have to be given, especially if you want to be sure the requirement is implemented in a nondiscriminatory fashion, lest Pennsylvania run afoul of the Voting Rights Act. Discriminatory implementation of voter ID laws has been demonstrated to be a major problem in other states, especially with respect to Latino voters. Moreover, these proposals essentially require that poll workers perform a quasi-law enforcement function -- checking the validity of individuals' identification documents. Another example is printing and processing an increased number of provisional ballots that would ensue from people who show up at the polls without the necessary ID.

Even if voter ID would cost the state nothing and require nothing to implement, it would still be a harmful policy to pursue. Consider these factors:

- Young people and students are particularly harmed by photo ID requirements. Many students are unlikely to have a driver's licenses or a driver's license that reflects their current campus address.
- African Americans, Latinos and new American citizens are far less likely to have identification. Such groups have been the historic target of disfranchisement efforts in this country. Strict voter identification laws target them once again.
- Low Income Americans are disenfranchised. A national survey by the Brennan Center found that Americans earning less than \$35,000 were twice as likely to lack ID as Americans who earned more than that.

As to any potential benefits from this bill, numerous studies, national and state specific, have found that the rare examples of voter fraud are almost never the kind that could be prevented by a photo identification law

Voter ID laws address *one exceedingly rare* form of voter fraud: impersonation of another registered voter at the polls. Many state legislators and elections officials around the country who are pushing ID bills readily admit there has never been a case of in person impersonation fraud at the polls in their state, yet are pursuing passage of voter ID laws nonetheless. For example, of the very small number of voting irregularities that occur at the polls, it seems many of them involve persons with felony convictions voting when they are ineligible. This would not be addressed by an ID requirement, as of course IDs do not indicate if you have ever committed a crime. Voter identification would also do nothing to address problems with fraud in the voter registration process or absentee ballot fraud. It is very important not to conflate all the different types of problems that

can threaten the integrity of elections and automatically come up with voter ID as the best solution.

Because Pennsylvania is subject to Section 5 of the Voting Rights Act we will have to go through the process of preclearance – and given how much we know about how discriminatory this law will be against people of color and others, it is far from certain it will get precleared. The state may also be sued for attempting to implement a voter ID law, and costs of defending the law in a protracted litigation process will be substantial.

CONCLUSION

Most states run their elections effectively without restrictive government-issued photo ID requirements. I believe Pennsylvania can be just as successful in running clean but fair and honest elections as any other state in the nation. It is our opinion that if the Pennsylvania state legislature is concerned about the fairness of its elections, it would be better off using all of its energies and resources to do something about the problem of lack of voter access and low participation rather than combating a problem it does not have, with a weapon that won't work.