



LEAGUE OF WOMEN VOTERS OF MAINE

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TO: The Honorable Senator Scott Cyrway
The Honorable Representative Louis Luchini, Co-chairs
The Joint Standing Committee on Veterans and Legal Affairs

RE: LD 197 An Act To Strengthen Maine's Election Laws by Requiring Photograph
Identification for the Purpose of Voting

Good morning. My name is Ann Luther. I'm the Advocacy Chair of the League of Women Voters of Maine, a volunteer, and a resident of Trenton.

The League of Women Voters of Maine submits the following testimony in opposition to LD 197. For more than 90 years, Leagues here in Maine and across the country have worked to educate and register voters, eliminate obstacles to voting, and make government at all levels more accessible and responsive to citizens. The League supports full voter participation by all eligible American citizens, and we oppose efforts to create new barriers that block citizens' constitutional right to vote.

Here's why we oppose LD 197:

It could disenfranchise voters: We could find anywhere between 5% and 16% of our eligible voters do not have the required ID, according to a recent study published by the Government Accountability Office.¹ Percentages are higher among the elderly, ethnic minorities, and low income voters, and these are the same groups who have traditionally faced barriers at the polls.² The cost of obtaining a driver's license or state-issued ID in Maine may seem modest, but the expense and complexity of the process present real barriers to voting when one considers the time off from work and the travel to obtain them, *especially for the elderly or disabled*. This has real consequences. The GAO study cited above concluded that voter participation fell between 2% and 3% in states implementing photo ID between the presidential election years 2008 and 2012. That could be twenty thousand voters in Maine's next presidential election. Many, many times more eligible voters will be dissuaded from voting by this law than the number of ineligible voters who will be prevented from casting votes.

It will be expensive: Implementation of voter photo ID laws in other states has cost millions of dollars. Although some photo ID laws have passed constitutional muster,

¹ "Issues Related to State Voter Identification Laws," Highlights of GAO-14-634, a report to congressional requesters, September 2014, <http://www.gao.gov/assets/670/665965.pdf>

² *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, November 2006, Brennan Center for Justice at NYU School of Law, a non-partisan public policy and law institute, http://www.brennancenter.org/dynamic/subpages/download_file_39242.pdf

these laws are still subject to constitutional challenge if particular groups or individuals are burdened by the law.³ In addition to the cost of offering free identification cards, as provided in this bill, other states have faced legal challenges if they did not also take other measures. Three-year costs in Maine could be \$4 million or more.⁴ Some of the costs that may need to be addressed include:

- Providing free ID cards to those who need them
- Opening new ID-issuing offices with expanded weekend and evening hours
- Absorbing the cost of providing underlying documents, such as birth certificates
- Personnel and administrative costs for providing exemptions for certain individuals or groups
- Public education campaigns
- Poll worker training and other administration
- Defending against possible lawsuits
- Additional absentee ballots and processing
- Costs to local governments that may need to extend hours of operation

The cost/benefit equation doesn't add up. We will spend a lot of taxpayer money to implement this law, creating barriers to voting for tens of thousands of eligible citizens, in order to prevent a very few ineligible voters from breaking existing law. When legislation similar to this bill was debated in the 125th Legislature, Secretary of State Charles E. Summers, Jr. convened the 2012 Elections Commission to review this and other issues. Quoting from their report, "The Commission, by a 4 to 1 vote, finds that the negative aspects of a Voter ID law outweigh its potential benefits and recommends that a Voter ID system not be pursued in Maine."

Voting is the most fundamental expression of citizenship in our democracy. The expansion of the franchise to include all Americans regardless of race, ethnicity or gender, and the breaking down of barriers to citizens' voter participation -- from literacy tests to poll taxes -- has been one of the great successes in the evolution of American democracy. We believe that LD 197 would turn back the clock and erect unnecessary barriers to voter participation.

We respectfully urge that this Committee vote "ought not to pass" on LD 197.

Ann Luther
League of Women Voters of Maine
February 25, 2015

³ *The Cost of Voter ID Laws: What the Courts Say*, Vishal Agraharkar, Wendy Weiser, and Adam Skaggs, February, 2011, Brennan Center for Justice at NYU School of Law, <http://www.brennancenter.org/publication/cost-voter-id-laws-what-courts-say>.

⁴ \$3.8 million over three years, *Maine Voter ID: At What Price*, Maine Center for Economic Policy, November 2012, http://www.mecep.org/wp-content/uploads/2014/09/Voter_ID_11-19-2012.pdf; \$2 - \$6.3 million, "Report of the 2012 Elections Commission," January 2013, http://lwvme.org/files/Election_Commnn_Report_LD_199_1_.pdf

Addendum on Provisional Ballots Procedures

We particularly note our objection to the new provisional ballot language included in LD 197. This differs from our current challenged ballot procedure, which the League believes to be a best-practice model and an exemplar for other states. Without getting into details here today about why our challenged ballot procedure is vastly superior, suffice it to say that the proposal here would be a step backward for voters and election officials. It would compromise the secrecy of the ballot for each and every provisional ballot cast. It would require additional processing by election officials after Election Day. Meanwhile, election officials would be asked to follow the provisional ballot procedure for those voters who present without approved ID. They would still follow the challenged ballot procedure for voters challenged for any other reason. Without adequate training, this is sure to create confusion and errors in administration and snafus at the polls.

Examples of Cost Impacts of Implementing Voter Photo ID

TABLE 1: THREE-YEAR COST STATE COST TO IMPLEMENT VOTER ID

Cost Component	Three-Year Cost
Free ID (including revenue losses)	\$503,238
Mobile Units for Accessibility	\$343,006
Public Outreach and Education	\$2,895,342
Provisional Balloting Modifications	\$79,928
Total	\$3,821,514

MECEP's analysis represents a least-cost estimate and does not incorporate other, unquantified components that are likely to further increase overall cost of implementation. These costs include:

- reissuing free IDs for name and address changes;
- paying the voter cost of documentation required to obtain a free ID, such as birth certificates;
- modifying state and local election websites and BMV websites;
- administering provisional balloting; and
- compensating cities and towns for the unfunded municipal mandates for provisional balloting.

Maine Voter ID: At What Price, Maine Center for Economic Policy, November 2012,
http://www.mecep.org/wp-content/uploads/2014/09/Voter_ID_11-19-2012.pdf



HOW MUCH WOULD A VOTER ID LAW COST NORTH CAROLINA?

Every place is different, but the experiences of other states offer clues to the likely cost of a voter ID bill for North Carolina taxpayers. The following projections come from fiscal notes, or cost estimates, prepared by state officials. A Facing South/Institute for Southern Studies analysis of fiscal notes for voter ID laws nationally found that most neglected to report key expenses or stated these costs could be "absorbed" by existing agencies -- an unlikely scenario today, with deep budget cuts at all level of government.

STATE EXPENSE	WHY IT'S NEEDED	3-YEAR ESTIMATES OTHER STATES	3-YEAR ESTIMATE NORTH CAROLINA
EDUCATING VOTERS	TV ads, mailings, other outreach to inform current and new voters; to avoid confusion and people being turned away at the polls	High End - Missouri: \$16.9 million (\$1.37/voter/year) Low End - Texas: \$6 million (15 cents/voter/year)	\$13 - 15.8 million (80 cents/voter/year)
ID CARDS	ID materials/equipment; increased demand at DMV ID stations; cost of issuing ID cards to avoid law becoming "poll tax" on those without ID	High End - Missouri: \$3.4 million (28 cents/voter/year) Mid-Level - Wisconsin: \$2.3 million (22 cents/voter/year) Low End - South Carolina: \$675,000* (3 cents/voter/year)	\$2.5 - \$4.7 million (20 cents/voter/year)
ADMINISTRATIVE/ IMPLEMENTATION COSTS	Hiring/training more precinct judges and poll staff to handle IDs and provisional ballots; printing provisional ballots; updating forms/procedures and training staff; other expenses	POLL STAFF: Montgomery County, Maryland: \$285,000 (16 cents/voter/year); Minnesota: \$1.4 million (15 cents/voter/year) plus EXTRA BALLOTS: South Carolina: \$480,000 (2 cents/voter/year) plus SYSTEMS/TRAINING: Wisconsin: \$138,000 (4 cents/voter) plus other expenses	\$3.5 - \$5.5 million (25 cents/voter/year)
TOTAL COST			\$18.5 - \$25.2 million for three years

* Estimate for cameras and ID equipment ONLY; South Carolina's estimates did not include other costs associated with IDs

Source: Fiscal notes for Maryland, Minnesota, Missouri, South Carolina, Texas and Wisconsin legislatures
 Chart: Institute for Southern Studies, February 2011 (www.southernstudies.org)

Indiana – Free photo IDs

For certain persons, Indiana provides free photo IDs from the Indiana Bureau of Motor Vehicles (BMV) for voting purposes. Each free ID is clearly labeled, “For Voting Purposes,” and provision of the free IDs has also been cited in court challenges as a method to prevent an undue burden on persons otherwise unable to pay for the ID, and to counter allegations of a poll tax. The Indiana Bureau of Motor Vehicles has calculated its cost at \$13 for each ID and has provided the following documentation of the costs incurred by the Bureau for providing the free IDs for voting purposes:

Year	# ID's	Cost
2007	175,300	\$ 2,278,900
2008	219,203	\$ 2,849,639
2009	208,250	\$ 2,707,250
2010	168,264	\$ 2,187,432
To date	771,017	\$ 10,023,221

Comparing Iowa’s 2.1 million registered voters to Indiana’s 4.3 million, and using the current Iowa charge of \$5.00 for a non-operator ID, an estimate of the annual cost of free photo IDs in Iowa would be:

84,132 number of free non-operator IDs
\$5.00 current charge for non-operator ID in Iowa
\$420,660 cost per year

If Iowa would offer free birth certificates in addition to free photo IDs, an estimate would be:

84,132 number of free birth certificates
\$15.00 current charge for certified birth certificate in Iowa
\$1,261,980 cost per year

Indiana includes administrative costs in the \$13 per ID amount; this paper does not attempt to estimate such administrative costs for Iowa, and actual amounts currently charged are used in the above estimates.

FISCAL ESTIMATE FOR MISSOURI HJR 48

<u>Item</u>	<u>Cost</u>
Quarter page ads through the MO Press Association run twice before each federal election.	\$1,200.00
Production of radio and TV public service announcements	\$1,240.00
The advance notice provided by the SOS must include at a minimum the “use of advertisements and public service announcements in print, broadcast television, radio, and cable television media	\$1,500,000.00
The bill requires that the Secretary of State print provisional ballots.	\$22,000.00
Costs for 116 Local Election Authorities	\$3,600,000.00
The cost of the additional poll workers and the training required to successfully implement the act for a single election is as follows:	\$1,282,050.00
The Secretary of State's office will have to register voter registration solicitors - Staff needs	\$15,000.00
Investigating complaints	\$8,500.00
COST TO MISSOURI TAXPAYERS	\$6,429,990.00

From Fiscal Note: 4947S-25S