

VOTER ID IN VIRGINIA: AN EXPENSIVE MISTAKE



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Strong voter participation and engagement are fundamental to a healthy democracy. Efforts to restrict access to voting fly in the face of this important goal. Alarming, despite the fact that only 41 percent of eligible persons voted in the 2010 mid-term elections, many states are renewing efforts to restrict, rather than expand, the franchise.

Given that these vote suppression laws require huge new expenditures of state funds, at a time when states are cutting budgets for vital public services, the timing of these bills could not be more wrongheaded. Focusing on job creation and providing relief for millions of unemployed and underemployed residents should be at the top of the agenda. Instead, legislators are busy pushing laws that would disenfranchise millions of Americans as a top priority in this legislative session.

UNNECESSARY, COSTLY PROPOSALS PUSHED IN VIRGINIA

Virginia legislators are considering several bills that would make it more difficult for eligible persons to cast a ballot that will be counted, and would impose large costs for implementation. One bill requires photo identification in order to vote, while others require one of an enumerated list of identification documents. If the voter does not have identification he must sign a sworn statement of his identity and then cast a provisional ballot. Current law allows such voters to vote an official rather than provisional ballot after affirming their identity. The legislature is also considering requiring that these provisional ballots be counted in a closed door, secret meeting providing no accountability to the public. Other bills require proof of U.S. citizenship and photo ID to register to vote in person, by mail, and through DMV and assistance agencies.

THE REAL PROBLEMS IN VIRGINIA

Governor Robert McDonnell has proposed deep cuts that will create real hardships for people in Virginia. Over 90 percent of the cuts are in the areas of education and health care.¹ They include:

- \$800 million from Virginia's Medicaid program.²
- Eliminating long term care for over 4,500 elderly Virginians.³
- Cuts to nursing homes estimated to be approximately \$75 million.⁴

- Since 2007, the number of unemployed workers in Virginia has increased 112 percent, which means nearly 130,000 more Virginians are unemployed now than at the start of the recession.⁵ The numbers of people on Medicaid is projected to be 40 percent higher in 2014 than 2006-2007.⁶ The number of Virginians participating in the Food Stamp program is up roughly 70 percent since the recession began.⁷

THE COSTS OF VOTER ID

While requirements for voter ID may sound reasonable at first glance, the bills being pushed in Virginia go beyond any reasonable requirements and are far too restrictive and expensive to deserve support.

Disenfranchisement

A restrictive photo ID law and proof of citizenship registration requirement could disenfranchise hundreds of thousands of Virginians. Large numbers of American citizens – disproportionately among certain demographic groups – do not possess a valid, government-issued photo ID, or the documents required to get a photo ID.⁸

Eleven percent of **American citizens do not have government-issued photo identification.**⁹ If the same is true for Virginia, a photo ID requirement for voting will disenfranchise over 600,000 Virginians. In addition, 10 percent of citizens nationally who have photo identification don't have ID with both their current address and their current legal name,¹⁰ which would disenfranchise an additional over 554,000 thousand Virginians.

The elderly, persons of color, young people and low-income voters are much less likely to have government-issued photo identification than the rest of the population, and younger voters with ID are less likely to have ID with their current addresses and legal names.

- Nationally, eighteen percent of the elderly do not have photo identification;¹¹ this would amount to over 167,000 of Virginia's seniors.
- Twenty-five percent of African American voting-age citizens lack photo ID;¹² if this number held in Virginia, it would mean disenfranchising 260,000 African American Virginians.
- Eighteen percent of citizens aged 18-24 lack photo ID with both their current name and address meaning these bills could disenfranchise over 125,000 of Virginia's younger citizens.¹³

Requiring **proof of citizenship** when someone registers to vote is also highly burdensome. A national survey found that 7 percent of U.S. citizens do not have a birth certificate, passport, or naturalization certificate readily available.¹⁴ Assuming that 7 percent share is the same in Virginia as in the nation as a whole, an estimated 388,114 Virginians would not be able to register to vote without the burden of having to track down – and pay for – replacement documents. This burden will fall hardest on particular populations.

- Many people, particularly women, possess proof of citizenship that does not reflect their current name. Only 66 percent of voting-age women with ready access to proof of citizenship have a docu-

ment with their current legal name.¹⁵ If women make up half of Virginia's voting age population,¹⁶ then proof of citizenship requirements would burden the voting rights of nearly a million women in Virginia.

- Virginians making less than \$25,000 are less likely to have documentation proving their citizenship; less than 12 percent of Americans earning less than \$25,000 a year have documents that would prove their citizenship. That would mean that, of the over a million Virginians making less than \$25,000, over 124,000 would find their ability to register to vote significantly encumbered.¹⁷

Allowing voters without a sanctioned ID to vote a provisional ballot is not a good answer. For a variety of reasons that depend on the discretion of local election officials, provisional ballots are frequently not counted. In 2010, only 42 percent of the provisional ballots cast in Virginia were counted fully, while **56.8 percent of provisional ballots cast were not counted.**¹⁸ This is much worse than the national average. Provisional ballots are not a solution.

Fiscal Cost

If the photo ID and proof of citizenship laws were to pass, there are significant fiscal costs that Virginia would have to bear in order for the laws to have the possibility of withstanding a constitutional challenge. Missouri estimated its costs for a proposed photo ID law at \$6 million for the first year and \$4 million per year thereafter.¹⁹ Indiana spent \$12.2 million over four years implementing its voter ID law.²⁰ Virginia has hundreds of thousands more voters than Missouri or Indiana,²¹ and can expect to incur even higher costs to meet the standards for implementation required by the courts.

FREE VOTER ID CARDS Virginia charges between \$12 and \$32 for a driver's license,²² and \$10 for an identification card.²³ The state would be required to provide free IDs for any Virginia citizens who need it in order to vote. The Indiana Bureau of Motor Vehicles issued nearly three-quarters of a million free photo IDs from 2007-2010. Indiana had to spend over \$10 million to provide the IDs, significantly more than it had budgeted.²⁴

NO ID IS REALLY "FREE" It is costly and time-consuming to collect the documents necessary for obtaining a "free" state photo ID. To get a driver's license or identification card Virginians are required to present two proofs of identity, one proof of Virginia residency, one proof of legal presence in the U.S., and, if applicable, one proof of social security number, all of which may cost money to obtain.²⁵ Some of the bills being considered would require proof of citizenship to register to vote. Obtaining a passport costs \$100,²⁶ naturalization papers cost \$380,²⁷ and birth certificates cost \$12 in Virginia.²⁸ The Missouri Supreme Court struck down that state's photo ID law under the Missouri Constitution, finding that the costs of obtaining the documents necessary to get a photo ID constituted an illegal poll tax.²⁹ Further, to obtain a birth certificate a voter has to show particular forms of identification, which could create an insurmountable Catch-22, effectively stripping citizens of their ability to vote.³⁰

EXPANDED ID SERVICES Since IDs must be readily available to all voters, the state may need to expand the numbers and operational hours of Virginia's DMVs to provide appropriate access. Currently, many Virginia DMV offices are not open on the weekend, and don't have evening hours.³¹ This could increase the Virginia DMV budget. This may also entail creating mobile ID centers to ensure voters, such as those in nursing homes and those with disabilities can obtain IDs.

EXTENSIVE PUBLIC EDUCATION If a state chooses to enact photo ID or proof of citizenship requirements it is constitutionally bound to undertake a lengthy, extensive public education campaign to inform voters of the new requirements. In 2010, Missouri estimated it would cost \$16.9 million for TV, radio and newspaper announcements and other outreach to the state's 4 million voters.³² The Institute for Southern Studies estimated it could cost North Carolina \$14 million or more over three years to inform its 6 million voters.³³ Virginia has 5,032,521 registered voters,³⁴ and there is no reason to think that a program to reach them would be any less expensive.

OUTREACH TO VOTERS States are responsible for identifying and targeting populations of eligible voters without IDs to assist them in obtaining the necessary IDs. In order to ensure this was satisfied for Georgia's voters, the Secretary of State's office sent mailings over multiple election cycles to the hundreds of thousands of voters believed to lack drivers licenses.³⁵ The Secretary of State also aired public service announcements extensively on radio and television informing voters of the photo ID requirement. Information was distributed to public libraries and other public facilities across the state, as well as through a partnership with the utility companies. All of this imposes costs on stretched state budgets.

IMPLEMENTATION COSTS FOR MATERIALS, STAFF & TRAINING The implementation costs should not be underestimated. They will require long-term attention for months before elections, and will continue up to and including Election Day, putting heavy burdens on the 2,363 precincts statewide.³⁶ They may include: modifying the statewide voter registration database; purchasing necessary equipment; updating registration forms; updating websites; redesigning provisional ballot envelopes; and, providing more provisional ballots and envelopes. Statewide training on changes will be necessary, including new absentee ballot and provisional ballot scenarios. These new bureaucratic hurdles may also require the hiring of additional staff to prepare and process the increased paperwork.

In Iowa, a bi-partisan group of county election administrators opposed a photo ID bill as an "unfunded mandate" on counties, who would bear the burden of educating the public and implementing the requirements.³⁷ In Wisconsin, the head of the municipal clerks association testified as to how much of a strain the photo ID bill then under consideration would put on the local officials, and said if it was passed they would have to choose between spending resources to implement it or on providing services, positions and machinery for emergency operations in a timely manner.³⁸

LITIGATION DEFENSE COSTS Defending these laws is costly. Many of the states that have sought to impose burdensome restrictions on voting rights have had to spend years in court attempting to defend the law. Courts repeatedly ruled that inadequate public education efforts invalidated the Georgia voter ID law.³⁹

The parts of Virginia that are subject to Section 5 of the Voting Rights Act will have to undergo pre-clearance. Since these laws have discriminatory impacts on minority and other vulnerable populations it will take significant resources to attempt to defend these laws, with little prospect of success. It is estimated that South Carolina may spend over \$1 million in its suit against the U.S. Department of Justice, which refused to pre-clear the state's photo ID law.⁴⁰

THE CURRENT SYSTEM IS WORKING

Current state law allows voters who don't have identification to sign an affidavit swearing that they are the registered voter they claim to be, under penalty of law. Perjury is a felony in Virginia, and punishments range from imprisonment for up to a decade to potentially thousands of dollars in fines.⁴¹ These substantial deterrents have effectively protected the integrity of Virginia's elections.

Virginia legislators pushing these bills cite the need to guard against voter fraud. Despite the constant drumbeat in the last several years causing an atmosphere of fear and acute awareness around this issue, numerous high level investigations have found there has been no evidence of anything but isolated instances of fraud.⁴² AARP Virginia opposes these bills that would burden the voting rights of older Virginians because they are “based on the unfounded assertion that voter fraud is a significant problem. There is currently no evidence that voter fraud is a problem in Virginia.”⁴³

Instead of focusing on a costly, anti-democratic, misguided solution to a nonexistent problem, Virginia’s legislators should turn their attention to creating jobs, saving homes, and providing healthcare and education to Virginians.

ENDNOTES

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