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West Virginia Photo Voter ID Law: An Expensive Solution Looking For a Problem

Sean O'Leary

In 2012, SB 532/HB 4387 was introduced requiring all West Virginia voters to present official government-issued photo identification in order to vote. The Voter ID law was reintroduced for the 2013 legislative session (SB 13/HB 2215). Based on national data and the experiences of other states, it is estimated that the implementation costs of a Voter ID law in West Virginia could top \$5 million over five years (**Figure 1**).

At a time when West Virginia is facing declining revenues while the needs of the state continue to grow, the costs and benefits of policies like Voter ID need to be carefully considered. And the costs of implementing a Voter ID law in West Virginia easily outweigh its nearly nonexistent benefits.

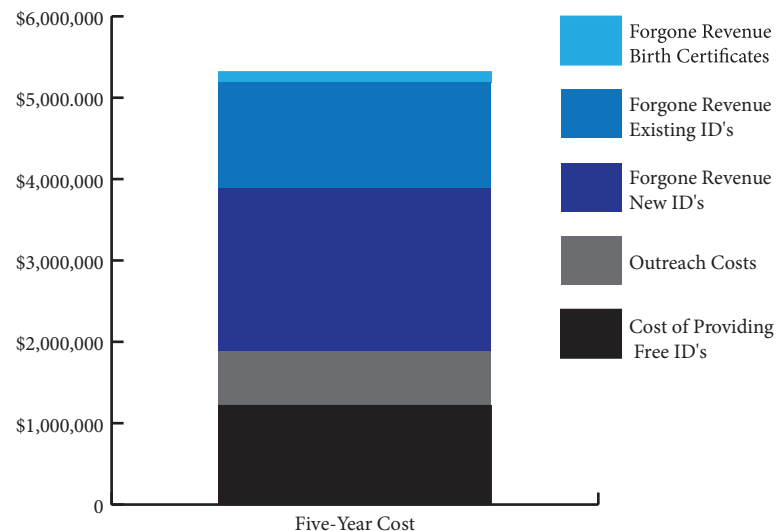
Voting in West Virginia

Throughout history, the right to vote has consistently been expanded – to non-property owning men, to African Americans, to women, and to young adults. West Virginia has enjoyed and benefited from history's expansions of voting rights. In fact, it was West Virginia Senator Jennings Randolph who played a pivotal role in passing the 26th Amendment that moved the voting age from 21 to 18.

If there is a problem with voting in West Virginia, it is that not enough people exercise their right. West Virginia has ranked second to last for voter participation during the last two presidential elections, with less than half of the eligible voting-age population casting a ballot.¹

But instead of working to encourage more voter participation, lawmakers in West Virginia and in other states are going in the opposite direction, proposing new restrictions that could make it more difficult to vote. Last year, legislators introduced SB 532/ HB 4387, which would require voters to present a photo ID (identification

Figure 1
Estimated Costs of Implementing a Voter ID Law in West Virginia



Source: WVCBP analysis of SB 532, WV DMV, U.S. Census Bureau, and the Brennan Center for Justice data.

description) in order to vote, and are likely to reintroduce the bills this year.

Currently, 11 states have photo voter identification laws in effect, with another five states with photo ID laws not yet in effect, and another 17 which require a non-photo ID in order to vote.²

While states adopt Voter ID laws in order to prevent voter fraud, the type of voter fraud prevented by Voter ID laws is virtually nonexistent. Voter ID laws only prevent voter impersonation; they do not stop other types of election fraud like purging of voter rolls, absentee ballot fraud, and ballot tampering. There have been only 10 reported cases of voter impersonation nationwide since 2000, and none in West Virginia. West Virginia has had 16 cases of election fraud since 2000, but all were committed by campaign or election officials, and none of them would have been prevented by a Voter ID law.³ Instead of preventing voter fraud, voter ID laws simply make it more difficult to vote.

Who is Affected?

Nationwide, an estimated 11 percent of adults lack a government-issued photo ID.⁴ This is equal to 160,422 adults in West Virginia.⁵

The requirement of a photo ID would have a disproportionate impact on elderly voters, young adults, minorities, and low-income voters, all who are less likely to have a photo ID. Nationwide an estimated 18 percent of seniors over age 65, 25 percent of African Americans, and 18 percent of young adults age 18 to 24 lack a photo ID. If these percentages hold true in West Virginia this means 53,000 seniors, 14,574 African Americans, and 30,576 young adults in West Virginia lack voter ID.

Legal Requirements

States that have enacted voter ID laws have faced numerous legal challenges that have resulted in strict requirements by the courts. These requirements include:

- Voter IDs must be free to obtain.
- Voters must be made aware of voter ID requirements.
- Voter IDs must be easy to obtain.

The courts have made it clear that states must act aggressively to ensure that no voter is disenfranchised, and several states have seen their voter ID laws overturned or held up. These requirements create significant costs to any state trying to implement a voter ID law.⁶

Costs of Implementing Voter ID in West Virginia

The cost of implementing a voter ID requirement was estimated based on the requirements imposed by the courts on other states, the experiences of other states, and the state's fiscal analysis of SB 532. The cost was estimated over five years in order to cover national and state elections, so most voters would have participated in an election and become aware of the new requirements, and would also cover one full cycle of state ID renewals.

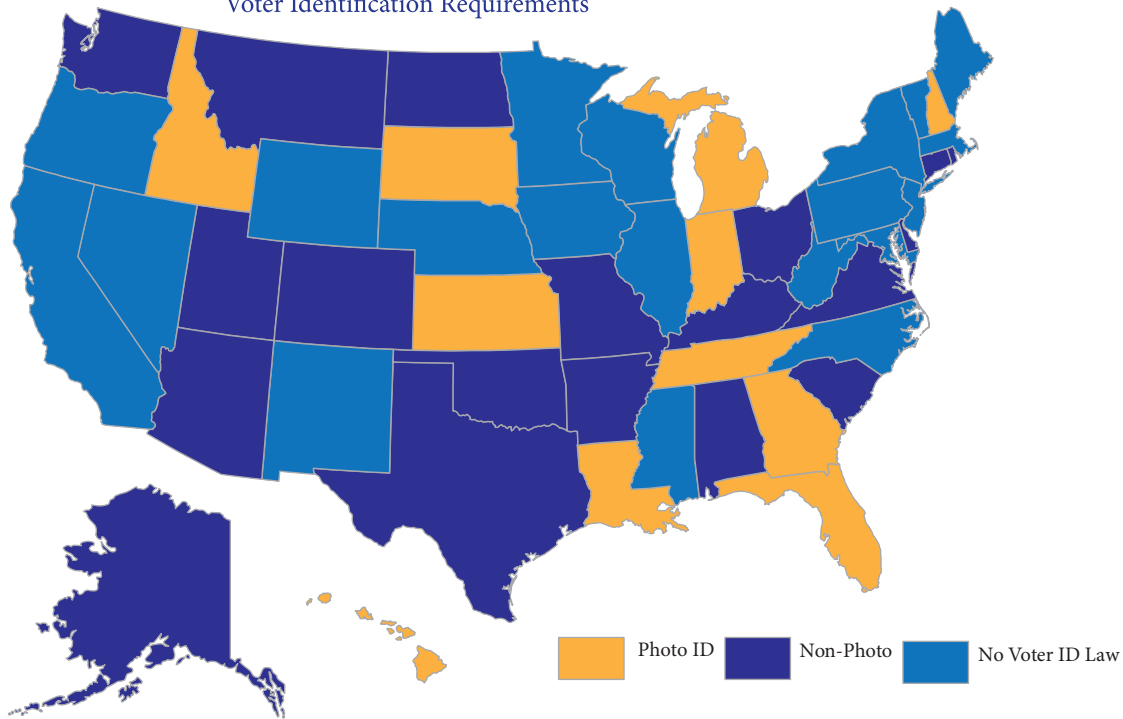
Cost of Free ID's

An estimated above, if 11 percent of eligible voters in West Virginia lack a photo ID, this would be equal to an estimated 160,422 eligible voters (2007-2011 ACS). Based on case law and the requirements of West Virginia's proposed law, the state would have to provide these individuals with a free photo ID.

Providing free ID's would impose two costs on the state. First would be the cost of producing the new ID's for those who need them to vote. According to the state Division of Motor Vehicles, the cost to produce a photo ID is \$7.60, which includes both material and personnel costs.⁷ Therefore, **the cost to provide a photo ID to all eligible adults who lack one would be \$1,219,204.**

Second, providing new ID's at no cost would result in the loss of state revenue. Currently individuals can purchase a non-operator ID from the state Division of Motor Vehicles, which must be renewed every five years at a cost of \$12.50.⁸ Case law has established that states may not discriminate in their provision of ID's,⁹ so West Virginia would not only have to forgo the revenue from the newly issued ID's, it would also have to forgo the revenue collected from those who currently have a non-operator ID. According to the state Division of Motor Vehicles, there are 103,320 adults who currently buy a non-operator ID.¹⁰ Over the five-year renewal cycle, the state would lose **\$2,005,275** in revenue from the 160,422 new ID's issued, and **\$1,291,500**

Figure 2
Voter Identification Requirements



Source: National Council of State Legislatures.

in revenue from the existing 103,320 ID's for a total of **\$3,296,775** in lost revenue.

The cost of updating the free ID's would be recurring. As names and addresses change, new ID's would have to be issued, as well as ID's for those turning 18 each year. This additional cost was not able to be estimated.

West Virginia also requires individuals to provide a birth certificate in order to purchase or renew an ID.¹¹ West Virginia currently charges \$12.00 to obtain a copy of a birth certificate.¹² Many state supreme courts have stated that charging for documents needed to receive a free photo ID are unconstitutional.¹³ Nationally, about seven percent of the voting-eligible population lacks a copy of their birth certificate.¹⁴ If seven percent of the newly issued free ID's would first need a free birth certificate, West Virginia would have to provide free birth certificates to 11,230 people. The forgone revenue would equal \$134,574, in order for the state to avoid legal challenge.

Cost of Voter Outreach

The Voter ID law proposed last year in West Virginia did not include any voter outreach plan or program to educate voters about the changing requirements, which

is required to avoid legal challenges. Georgia's Voter ID law was repeatedly struck down due to insufficient public education.¹⁵ Outreach programs sufficient to avoid legal challenge include:¹⁶

- Direct mailing to all registered voters.
- Production of radio and television public service announcements.
- Publication of newspaper advertisements.
- Modification of state, county, and local websites to highlight new requirements.

Indiana, the state with the most experience with Voter ID laws, spent \$2.2 million on voter outreach and education after passing its Voter ID law.¹⁷ If West Virginia were to spend a proportional amount based upon voting-age population, the state would have to spend about \$667,000 in voter outreach.

Cost of Making ID's Easy to Obtain

The courts have put strict requirements on states, ordering that obtaining voter ID's must be easily accessible in addition to being free. A federal court struck down Georgia's Voter ID law because the state did not have a driver's service center in every county, the offices did not

Table 1

Cost of Implementing Voter ID in West Virginia, Five-Year Cost

	All Adults Lacking ID (160,422)	50% of Adults Lacking ID (80,211)
Cost of producing Free ID's	\$1,219,204	\$609,602
Cost of Voter Outreach	\$666,988	\$666,988
Forgone Revenue from New ID's	\$2,005,275	\$1,002,638
Forgone Revenue from Existing ID's	\$1,291,500	\$1,291,500
Forgone Revenue from Birth Certificates	\$134,754	\$67,377
Total Cost	\$5,317,721	\$3,638,105

Source: WVCPB analysis of SB 532, WV DMV, U.S. Census Bureau, and the Brennan Center for Justice data.

have enough open hours, and offices were located in areas without available public transportation.¹⁸

As a result, many states have created multiple mobile DMV offices to reach rural and confined populations. While this report does not estimate the cost for West Virginia to create one, the ease of access to DMV offices is something the state would have to consider before enacting a Voter ID law.

Total Cost

Table 1 compiles the various costs that the state would incur in order to properly implement a Voter ID law. Providing free ID's to all voting age adults who lack one, as well as sufficient outreach, would cost the state \$5.3 million in direct costs and forgone revenue over five years. Additional expenses not tallied include the ongoing costs of providing new ID's to those turning 18, as well as the costs on ensuring ease of access to the free ID's.

Table 1 also estimates the cost of providing a free ID to half of those who currently lack an ID, since the turnout in the last two presidential elections was roughly 50 percent of the voting-age population. The direct costs and forgone revenue for providing half of those eligible is equal to \$3.6 million.

Issues with SB 532 Fiscal Note

The Division of Motor Vehicles prepared a fiscal note estimating the cost of implementing the proposed Voter ID law in West Virginia. The fiscal note estimated the cost of providing free ID's to be \$1,291,719 and the forgone

revenue to be \$424,908. However, there are several issues with this fiscal note.

First the fiscal note estimates that there are 1,284,158 issued driver's licenses and that there are 1,217,515 registered voters in the state. Therefore, the DMV would need to provide 66,643 free ID's, the difference between the two figures. However, even assuming that the two numbers are measured from the same population, the 66,643 figure would represent individuals who have driver's licenses, but are not registered to vote, rather than individuals who are registered to vote, but do not have a driver's license. In any case, the logic behind the cost estimate is flawed. The estimate for the lost revenue is similarly flawed.

Since the bill does not address the potential outreach costs, forgone revenue from providing birth certificates, and the potential costs of expanding DMV office access, these costs are not included in the fiscal note.

Conclusion

Voter ID laws are designed to prevent a specific type of voter fraud, voter impersonation. But the evidence shows that vote impersonation is simply not a documented problem in West Virginia. Instead, West Virginia's proposed Voter ID law creates additional burdens for its voters.

Requiring voter ID places a heavy burden on the state's resources, election officials, and citizens to ensure that no voter is disenfranchised. With already low voter turnout, as well as already strained state resources, West Virginia should carefully consider the costs of a Voter ID law. Before diverting resources away from current needs to implement one, while potentially discouraging voters and lowering turnout, we should ask if a Voter ID law is just an expensive solution looking for a problem.

Endnotes

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