



## THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA

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### THE COST OF THE SOUTH CAROLINA PHOTO ID BILL IS TOO HIGH – TALKING POINTS

#### **The fiscal note underestimates the cost of implementing the photo ID law**

##### Other states' fiscal notes estimate much larger costs to implement photo ID laws

- The fiscal note estimates the cost at around \$1,354,000 in the first year, with annual recurring costs of \$260,000. This is a tiny fraction of the cost estimated in other states. For example:
  - Missouri (around 1.3 times the population of South Carolina) estimates that it would cost \$22 million over three years to implement a similar photo ID bill.
  - The Institute for Southern Studies estimates that implementing photo ID in North Carolina (around double the population of South Carolina) will cost \$18.5-\$25.2 million over three years.

##### Providing free photo IDs will be more expensive than the fiscal note suggests

- The cost of providing free ID cards cannot be avoided because it is unconstitutional to have a photo ID requirement without providing free ID cards to those who request them.
- The fiscal note estimates that it will cost \$100,000 to provide free IDs to people for use in voting.
- Indiana (around 1.4 times the population of South Carolina) recently implemented a similar photo ID law. It cost Indiana more than \$10 million to pay for the free photo IDs cards since the law was implemented in 2007.
- The fiscal note significantly underestimates the number of IDs South Carolina will need to provide for free. Currently a state ID card costs \$5 per person. The estimated \$100,000 per year for ID costs set out in the fiscal note would therefore cover the provision of IDs for 20,000 people (if we assume that \$5 per person is an accurate reflection of the cost to the state of producing ID cards).
- The fiscal note gives no detail as to how many people they expect to utilize the free ID service. However, a comparison between the South Carolina voter registration and driver's license databases revealed 178,175 registered voters without state issued ID. Provision for the issuance of 20,000 IDs is clearly insufficient.
- The fiscal note fails to project the amount of lost revenue from people who would previously have paid for ID cards, but now will not do so. This will increase the cost of the photo ID law.

##### Adequate voter education will cost more than the fiscal note estimates

- The fiscal note estimates that South Carolina will spend \$160,000 on voter education associated with the photo ID bill.
- A necessary first step to adequately notifying voters of the new law would be to send them information by mail. According to the U.S. Census Bureau there were 2,385,000 registered voters in South Carolina in 2008. Sending one piece of mail to each registered voter would cost almost 1 million dollars in postage alone. This is far more than the \$160,000 the fiscal note has budgeted for.
- Additional forms of education would also be needed to ensure that voters are aware of the new requirements. Some basic necessities include updating the voter registration form, as well as websites, voter information guides, and Election Day materials such as polling place signs. Other recommended practices that states have accounted for in their fiscal notes include placing alerts about the new requirements on billboards, flyers, and posters and in television and radio ads. The costs of these should be included in any fiscal estimate on voter education.

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## **The fiscal note is missing additional costs that will have to be covered by the state or counties to implement photo ID laws**

There will be numerous additional costs to the state or counties over and above those set out in the fiscal note, such as:

- The cost of printing additional provisional ballots;
- The cost of processing additional provisional ballots (including keeping offices open for 10 days after Election Day so that people can take their ID into the office and ensure their provisional ballot is counted);
- The cost of additional pollworker training;
- Travel costs to places accessible for disabled and elderly to obtain identification cards;
- The cost of modifying the statewide voter registration system to track whether ID has been provided; and
- The cost of revising forms and materials, including pollworker training materials.

## **HAVA funds will not be sufficient to cover the costs of a photo ID law**

South Carolina has a finite amount of HAVA funds that it should stretch out over as many years as possible so as to maintain election equipment and technology rather than exhausting them on the photo ID law

- The Help America Vote Act (HAVA) provided money to all states to be used to implement new voting practices, such as new ES&S voting machines, a statewide voter registration database, and to generally improve the administration of federal elections.
- South Carolina has around \$1 million remaining HAVA funds.
- Even if all the HAVA funds are expended on photo ID, and even if the fiscal note is accurate, there will be a shortfall of around \$300,000 in 2011, and \$260,000 each year after that. The state or county budgets will have to absorb that cost.
- If HAVA funds are used up on photo ID laws, they can't be spent on the ongoing costs of the technology purchased with HAVA funds, such as software licenses for ES&S voting machines, voting machine maintenance costs, costs of maintaining services and access for disabled voters, and the annual costs of maintaining the (soon to be established) statewide voter registration database.
- If HAVA funds are not expended, they will stay in South Carolina's bank account earning interest that could pay for many of the annual license and maintenance costs in the future.
- New money has not been appropriated to the EAC (the federal agency responsible for managing HAVA funds) for HAVA grants so there is no additional money available to South Carolina from the EAC, at least for the foreseeable future.

## **HAVA money would be better spent ensuring votes are counted properly than eliminating non-existent voter fraud**

There is no evidence of systemic voter fraud in South Carolina, but there is ongoing evidence that the DRE machines inaccurately count election results. Spending HAVA funds and state and county money on an expensive government program to solve a non-existent problem should not be prioritized over addressing a real threat to election integrity.

- There are very few cases of in-person voter fraud nationwide, and there is no evidence of systemic voter impersonation having occurred in South Carolina. Since South Carolina already requires an ID to vote, a *photo ID* cannot solve any other election related problem.
- However, there is a real threat to the integrity of the South Carolina voting system. The ES&S voting machines, which are used across the state, inaccurately count votes and currently there is no way to recount or audit votes. Recounting or auditing would require complete data files and competent computer programming experts, both of which are expensive. In recent years, South Carolina has not recounted votes, even when required to do so by law, and does not have the expertise to do so.

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- For example in November 2010 in Richland County 1,127 votes were left uncounted due to problems with personal electronic ballots and flash memory cards; and there is no electronic vote image for all 93,549 votes cast in Charleston County. Uncounted ballots can cause election results to be incorrect, and an inability to review electronic ballots makes recounts all but impossible. These problems are real. Money should be spent solving them before wasting taxpayer funds on non-existent voter fraud.

**The State and County election offices can't afford to cover the shortfall left if HAVA funds are drained to cover photo ID laws**

South Carolina's budget can't afford an expensive new government program that seeks to cure a non-existent problem and disenfranchises thousands of voters

- South Carolina's projected budget deficit for 2012 is \$877 million (17.4% of its 2011 budget), so it can hardly afford to expand the deficit with a new government program designed to solve a problem that doesn't exist.
- The State Election Commission has shifted a great deal of the cost of elections to the counties already. Although the state bought the ES&S machines initially, with HAVA funds, the counties pay the annual fees and maintenance. The annual fees billed to the counties are somewhere between \$800,000 and \$1 million. The counties pay sales tax on these fees to the State. In addition to the annual fees, the counties pay ES&S for replacement batteries, programming audio ballots and misc other fees. Counties cannot afford to take on the costs of photo ID laws that have been left out of the fiscal note.
- A review of seven counties' budgets revealed that county spending on HAVA technology maintenance increased by 15-20% from 2009 to 2010. With continually increasing costs like these, counties will find it hard to pay for things like additional poll worker training and extra staff to process more provisional ballots, which will be necessary if the photo ID bill passes.

**Even if the state provides free photo ID's, there are hidden costs that will have to be borne by citizens, many of whom are the least privileged in our society**

- Getting a free ID card can involve transportation costs and require time away from work or childcare.
- Underlying documentation, such as a passport, birth certificate, or naturalization papers, is often necessary. Many individuals don't have one of these forms of documentation readily available, and getting one usually involves its own costs. The fees for a U.S. passport currently start at \$55.
- A video produced by The Family Unit in South Carolina shows an account by two women in South Carolina who tried to get a photo ID. Amanda Wolf had difficulty because she was adopted, has no birth certificate and no records of her birth parents' details. Thelma Hodge was more successful as she was able to get a marriage certificate from 1958, but only after numerous phone calls and a lot of work. Hodge's total bill ended up at \$64.17.
- These costs systematically deter certain groups from voting more than others – such as minorities, the disabled, the elderly, and the poor.

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