



## The High Cost of "Free" Photo Voter Identifications

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Enacted by 22 state legislatures since 2003, photo voter identification laws have become central to political debates about voting rights. Proponents claim the laws are needed to maintain the integrity of elections and protect against in-person voter fraud. Opponents maintain that in-person fraud is virtually non-existent and these laws make voting more difficult for minorities, women, the young, poor, and elderly. Currently, the disputed photo voter identification laws are in effect in 15 states. Courts have struck them down permanently in three states.

Controversies over the constitutionality and effects of state voter identification requirements will likely intensify in the upcoming years. Interpretations of practical implementation and state constitutions will be front and center, in the wake of the June 25, 2013 ruling of the U.S. Supreme Court in *Shelby County v. Holder*. That ruling has limited the reach of national protections and remedies under the Voting Rights Act of 1965. The Court majority eliminated pre-clearance rules applying to states and other election districts with a history of overt racial discrimination in voting. Some other options for national enforcement remain, but the Court called on Congress to update coverage provisions – something not likely to happen soon.

In the 2008 case *Crawford v. Marion County Election Board*, a divided U.S. Supreme Court permitted the state of Indiana to require photo identifications for voting. The decision cautioned that such laws might later be ruled unconstitutional if, once applied, it could be shown that they burden particular sets of voters. States are supposed to offer "free" voter photo cards to those who lack drivers' licenses or other forms of government-sponsored identification. "As-applied" constitutional challenges are working their way back to the Supreme Court.

### What Does It Cost to Obtain "Free" Voter Identification Cards?

But what is a "free" identification – and is it really costless? Drawing on published articles from the Internet, media, and legal testimony, I have calculated the costs incurred by three different voters to obtain "free" voter identification cards in three states – Pennsylvania, South Carolina, and Texas. Each state has recently enacted controversial, and legally contested, voter ID laws. My study develops a method for estimating the costs in time, travel, and out-of-pocket expenses for obtaining a "free" state-issued photo identifications for voting in each state. The estimates include the following factors:

- Time costs for learning about photo identification requirements and how to meet them.
- Costs for purchasing required birth, marriage, naturalization and other certificates. In some instances, these calculations include legal fees to secure these documents.
- Costs for travel expenses to the departments of vital records and motor vehicles, including hiring a driver or a vehicle or paying for multiple trips.

- Costs in travel time and waiting time at agencies – perhaps for multiple trips.

## The Costs To Individuals Can Be Very High

Especially for minority group members and low-income voters, expenses for documentation, travel, and waiting times are significant, typically ranging from \$75 to \$175 per person. If legal fees are added in, the costs can range as high as \$1,500. Adjusted for inflation, these figures represent much greater costs than the \$1.50 poll tax outlawed by the 24th Amendment in 1964.

For many people, obtaining official photo voter identifications can entail spending the equivalent of what it takes to buy a week's worth of groceries. Some citizens simply cannot afford to cover the costs, and still others cannot get the documents they need to qualify for an identification card. And they pay the ultimate price in a democracy by losing their right to vote.

Estimated expenses incurred by each of the three individuals in each of the three states in pursuit of a “free” voter identification card range from \$107.25 to \$172.39 in Pennsylvania, from \$92.50 to \$166.50 (and up to \$1449.75 with legal fees) in South Carolina, and from \$79.26 to \$148.46+ in Texas. In short, voter IDs are expensive. And their costs can produce the constitutionally impermissible effect of denying citizens their right to vote.

## Additional Costs

Voter identification rules also impose costs on voting and civil rights organizations, which have to divert scarce resources from their core missions of getting out the vote. And they burden state budgets and taxpayers – to pay for new bureaucracies or added staff, to produce the identification cards, and to publicize rules and instruct voters. Additional taxpayer funds are also needed to train poll workers, judges and other voting officials, as well as to defend the new rules against mounting legal challenges in federal and state courts. Paying to implement and defend voter identification requirements could cost the relevant state governments up to \$78 million.

Moreover, voter identification laws are not being enacted in a vacuum – and they carry divisive social connotations. After a long, troubled history of imposing barriers to keep African Americans, in particular, from exercising their constitutional right to vote, our nation is currently undergoing a demographic transition, moving toward a diverse society that, within half a century will have no single racial majority. New rules impeding voting by many minority group members – such as photo identification rules and requirements to show birth certificates – often raise unnecessarily provocative and controversial questions about “who is a real American” rather than conveying messages about shared citizen rights and responsibilities. In practice as well as precept, new kinds of ostensibly race neutral rules have been shown to disproportionately hinder voting by people of color, along with many young, poor, and elderly people.

Going forward, legal challengers may be able to show that “free” voter identifications are not really free, and that their costs unequally hit particular groups of voters. If so, these rules may end up being reconsidered by the courts, including by the Supreme Court under doors left open in the Indiana case. Detailed, accurate accountings of the full costs people must pay to get special photo identification documents can be critical to understanding how these rules, in practice, discourage or prevent citizens from voting.

Read more in Richard Sobel, “**The High Cost of ‘Free’ Photo Voter Identification Cards,**” Charles

Hamilton, **Hamilton Institute for Race and Justice, June 2014.**

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