

# Maine Voter ID: At What Price?

## *The Cost to Implement a Voter ID Law in Maine*

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### INTRODUCTION

In 2011, legislators considered a bill requiring all Maine voters to present photo identification before they are allowed to vote. The legislature subsequently amended the bill to study Maine's election laws. To inform this evaluation, the Maine Center for Economic Policy (MECEP) analyzed the costs to implement a voter identification (ID) law in Maine. MECEP estimates a minimum implementation cost for voter ID for three years at \$3.8 million.

In a time of limited resources, it is especially important to consider the costs and benefits of legislative proposals. Based on MECEP's analysis, the costs of implementing voter ID outweigh potential benefits associated with addressing a problem that the prevailing evidence shows is virtually non-existent in Maine.

### BACKGROUND

Maine has a model voting system: it's convenient for voters, easy for election officials to implement, low-cost, and accurate. Maine boasts some of the highest voter turnout rates among states—consistently above 70 percent for presidential elections.<sup>1</sup> In addition, voting fraud is almost nonexistent in Maine. There has been only one case of voter impersonation in 30 years. Other types of voter fraud—deceptive purges of voter rolls, absentee ballot fraud, deliberately misleading to voters to influence an election's outcome, and tampering with registration forms or ballots—are not prevented by a voter ID requirement and, fortunately, are rare in Maine.

Despite this solid track record, Maine's voting laws received much attention during the 125<sup>th</sup> legislative session. In 2011, legislators passed and Governor Paul LePage signed a law to eliminate same-day voter registration. Mainers subsequently voted overwhelmingly to overturn the law by a people's veto in the fall of 2011.

Also in 2011 legislators introduced a bill to require voter ID, LD 199.<sup>2</sup> The legislature ultimately amended the proposal and directed Maine's Secretary of State by resolve to study voter participation, voter registration, and the conduct of elections in Maine.<sup>3</sup> The secretary appointed a commission, which has been taking public comment about state election law at hearings throughout Maine during the summer and fall. It will make recommendations to the 126<sup>th</sup> Legislature by February 1, 2013.<sup>4</sup>

### SUMMARY OF FINDINGS

Maine Center for Economic Policy (MECEP) analyzed the costs to implement a voter identification law in Maine, including the education and outreach needed to make sure all citizens are aware of the voter ID requirements and the costs to provide free state-issued IDs to those that need them, especially those voters in rural places and people with limited mobility. Based on case law in others states that have attempted to implement voter ID laws, MECEP estimates a minimum implementation cost for voter ID for three years at \$3.8 million.

<sup>1</sup>The national average for voter turnout in presidential election years is 61 percent. Source: George Mason University. [2008 General Election Turnout Rates](http://elections.gmu.edu/Turnout_2008G.html). Website: [http://elections.gmu.edu/Turnout\\_2008G.html](http://elections.gmu.edu/Turnout_2008G.html), Accessed October 2012.

<sup>2</sup> 125<sup>th</sup> Maine Legislature. LD 199. "An Act to Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting." Available at [http://www.mainelegislature.org/legis/bills/bills\\_125th/billtexts/HP017601.asp](http://www.mainelegislature.org/legis/bills/bills_125th/billtexts/HP017601.asp). Accessed October 2012.

<sup>3</sup> 125<sup>th</sup> Maine Legislature. PL 2011, Resolves 133. "Resolve, Directing the Secretary of State to Study Voter Participation and Registration and the Conduct of Elections in the State." Website: <http://www.mainelegislature.org/legis/bills/getDoc.asp?id=9397>, Accessed November 2012.

<sup>4</sup> PL 2011, Resolves 133.

## LEGAL REQUIREMENTS OF VOTER ID

Several states have or are in the process of implementing voter ID laws. Based on court cases outlined in the Brennan Center for Justice's report "The Cost of Voter ID: What the Courts Say,"<sup>5</sup> case law establishes that state voter ID laws must meet the following requirements:

1. Voter IDs must be free of charge.
2. Voter IDs must be easy to obtain.
3. Voters must be made aware of voter ID requirements.

The courts have ruled that, when implementing voter ID requirements, states must act aggressively to ensure that no voter is disenfranchised. The courts have set a high bar, overturning state voter ID laws especially when states provided insufficient voter education efforts.

These legal considerations have cost implications for any state that chooses to implement a voter ID law.

## COSTS OF IMPLEMENTING VOTER ID IN MAINE

To estimate of the cost of voter ID implementation in Maine, MECEP considered the legal requirements established above as well as the draft text, committee deliberation, and fiscal analysis of Maine's proposed voter ID law, LD 199. We also examined court challenges to other states' voter ID laws to quantify the complete fiscal impact of a legally-sound voter ID requirement. In addition, we cost out our estimates for a three-year time period following a law's enactment. This would cover one presidential and one gubernatorial election, which have the highest voter turnouts; the assumption being that, by the end of three years, most voters would have participated in an election to become aware of the photo ID requirement. Lastly, MECEP's analysis uses least-cost assumptions in cases where there are multiple ways to implement voter ID.

### Voter IDs must be free of charge

Most Maine voters have Maine state-issued drivers' licenses that could be used for voting purposes. However, an estimated ten percent of the voting age public do not have any form of state-issued ID, many because they do not drive.<sup>6</sup> For these voters, the State would need to provide an alternate form of photo ID.<sup>7</sup> Maine's Bureau of Motor Vehicles (BMV) currently offers a non-operator ID for non-drivers. This is the likely least-cost option for a state-issued voter ID card.

Since the courts have ruled that voter IDs must be offered free of charge, providing them would impose two costs on the state of Maine. First, the State will pay more to issue new non-operator IDs for voting. The state's General Fund would bear this cost.

*Courts have ruled that requiring voters to pay for IDs for voting purposes is unconstitutional.*

Second, providing non-operator IDs at no cost would result in a state revenue loss. Currently the public can purchase a non-operator ID for a \$5 charge, which generates a revenue stream for the State's Highway Fund.<sup>8</sup> Since case law establishes that states may not discriminate in their provision of IDs, Maine would have to offer free IDs to everyone and the Highway Fund would lose existing

<sup>5</sup> Agraharker, Vishal, Wendy Weiser, and Adam Skaggs. The Cost of Voter ID: What the Courts Say. Brennan Center for Justice. 2011. Available at [http://brennan.3cdn.net/2f0860fb73fd559359\\_zzm6bhnld.pdf](http://brennan.3cdn.net/2f0860fb73fd559359_zzm6bhnld.pdf).

<sup>6</sup> MECEP based its ten percent assumption on this analysis: Brennan Center for Justice. Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification, 2006. Available at [http://www.brennancenter.org/page/-/d/download\\_file\\_39242.pdf](http://www.brennancenter.org/page/-/d/download_file_39242.pdf).

<sup>7</sup> Agraharker, et al., The Cost of Voter ID Laws: What the Courts Say, p 3.

<sup>8</sup> PL 2011, Resolves 133 and personal communication with Suzanne Roy, Fiscal Analyst for the Maine Joint Standing Committee for Legal and Veterans Affairs, October 2012.

revenue associated with issuing non-operator IDs.

Additionally updating free IDs would become a recurring cost. Voters who lack the accepted ID—often young or low-income voters or renters—are highly mobile, and the State would have to cover the cost of re-issuing new IDs for these voters whenever their names or addresses change. MECEP was unable to quantify the additional cost associated with a mobile population, so it is not factored into the final cost estimate.

Lastly, many state supreme courts have acknowledged that charges for documents (e.g., birth certificates) required to obtain a free voter ID constitute a poll tax. Therefore, some states have been required to pay for any such special documentation necessary to obtain the voter ID, as in the case of Missouri's birth certificate requirement.<sup>9</sup> This could also become a cost for Maine depending on the requirements of a potential new voter ID.<sup>10</sup>

MECEP projects that ten percent of Maine's voting population without IDs will be 109,035 people in the first year of implementation. Each subsequent year, 15,900 Maine citizens turn 18 for another 1,590 voters potentially without IDs. The cost to the General Fund to provide IDs to these voters would be \$287,849 in the first year, at an actual cost of \$2.64 each. The annual revenue loss to the Highway Fund would be \$69,000, which is what is earned now from the sale of non-operator ID.

All told, MECEP estimates that the cost of providing free IDs would be \$356,849 in the first year and \$73,194 per year thereafter, for a total three-year cost of \$503,238.

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*The State of Maine must lower the barriers to obtaining a voter ID for Mainers who can't get off work, Mainers who aren't near public transportation, and Mainers who are non-mobile.*

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### **Voter IDs must be easy to obtain**

In addition to being free of charge, obtaining voter IDs must be easily accessible. A key consideration with accessibility is the location and hours of BMV offices. A federal court struck down Georgia's voter ID law because the State did not have drivers' services centers in every county, offices had truncated business hours, and offices were often located in rural areas where public transportation is unavailable.<sup>11</sup> To address this, many states have established mobile units to reach rural areas or confined populations, such as nursing home residents.

Based on this information, MECEP estimates that Maine would need at least one mobile ID unit and sufficient resources to staff it, and that the State would incur the bulk of this cost, the capital expense to purchase one mobile unit, in the first year. Thus the cost of ensuring accessibility would be at least \$343,000 over three years. This estimate is conservative: staffing needs, fuel price increases, additional mobile units, or modifications to make mobile units handicapped accessible could cause expenses to rise.

### **Voters must be made aware of voter ID requirements**

In order to implement a voter ID law, the State must conduct public outreach and education to reach all voting-aged citizens to inform them of new voting requirements and procedures to obtain a free voter ID. Voter education and outreach is costly and would account for the bulk of the expense to implement a new voter ID law in Maine.

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<sup>9</sup> Agraharkar, et al., *The Cost of Voter ID Laws: What the Courts Say*, p 6.

<sup>10</sup> See the appendix for a list of acceptable documents for voter registration and for obtaining a non-operator ID.

<sup>11</sup> Agraharkar, et al., *The Cost of Voter ID Laws: What the Courts Say*, p 5.

Voters need to understand the law, assemble required documentation, and obtain a voter ID card. MECEP anticipates a three-year education and outreach effort following passage of a voter ID law to provide voters ample opportunity to learn about the law. Three years also covers the higher turnout elections, which afford the best opportunity to educate the greatest number of voters. Short-cutting outreach efforts is likely to result in court challenges to the law. Insufficient public education in Georgia, for example, led the courts there repeatedly to rule their voter ID law invalid.<sup>12</sup>

Case history has established that states must make extensive efforts to inform voters of new ID requirements and procedures to obtain accepted ID.<sup>13</sup> MECEP concludes that a public education campaign sufficient to meet the courts' standards would include the following elements:

- Direct mailings to all registered voters.
- Production of radio and television voter ID public service announcements and purchase of airtime to maximize penetration.
- Publication of newspaper voter ID legal advertisements.
- Modification of state, county, and town election websites to reflect new voter ID requirements.

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*To avoid successful legal challenges, voter ID media campaigns must be robust enough to reach all ages of the voting public.*

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To avoid successful legal challenges, voter ID media campaigns must be robust enough to reach all ages of the voting public. Voter ID laws for example have been overturned when public service announcements (PSAs) ran at times or on channels where voting-age citizens were unlikely to view them. For purposes of this analysis, MECEP assumed that a media campaign using a broad range of newspaper ads and radio and television spots would commence eight months prior to Election Day for six months (March through August) at lower frequency and at a higher frequency for eight weeks prior to Election Day (September and October). Stations and airtimes would provide geographic coverage throughout Maine aimed at three age demographics: 18-25 year olds, 25-40 year olds, and 40 years and older. MECEP determined appropriate amounts of media coverage with the assistance of dozens of newspapers, television, and radio stations throughout Maine.

MECEP estimates the total three-year public education cost as follows:

- Direct Mail: \$1.02 million for one written notice per year to all registered voters.
- Broadcast and Cable Television Ads: \$1.54 million for PSAs<sup>14</sup> produced for television.
- Radio Ads: \$286,784 for the cost to produce and air radio PSAs.
- Newspaper Ads: \$47,275 for legal advertisements. MECEP assumes that four newspapers with statewide circulation would be needed to cover the state.
- Updating Official Election Websites: Minimal cost for administrative and IT costs to update state and local election websites and BMV websites with new voter ID requirements and with instructions on obtaining an ID.

Based on this information, MECEP estimates three-year public outreach costs would be \$2.9 million.<sup>15</sup>

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<sup>12</sup> Agraharkar, et al., *The Cost of Voter ID Laws: What the Courts Say*, p 7.

<sup>13</sup> Agraharkar, et al., *The Cost of Voter ID Laws: What the Courts Say*, p 7.

<sup>14</sup> Rate quotes provided by media outlets for public education announcements are reduced rates from commercial air time; they are not free.

<sup>15</sup> It has been suggested that the costs for public outreach and training of election officials could be covered by federal funds from the Help America Vote Act (HAVA). It is unclear whether this would be possible. In addition, use of HAVA funds to implement voter ID would divert resources intended for maintaining Maine's HAVA voting systems. The State would have to make up for that shortfall.

## PROVISIONAL BALLOT MODIFICATIONS<sup>16</sup>

Maine does not currently use provisional balloting; rather it has a system for challenging voters using the existing ballot.<sup>17</sup> However, the legislature's legal policy committee considered adding a new provisional ballot requirement for voters who appear at polling places without an accepted form of ID. Provisional ballots have been included in most voter ID laws passed by other states. In the case of provisional ballots, election officials use different ballots and envelopes to segregate votes cast without proper ID. These ballots would be held apart until the voter returns with state-issued ID and resolves the identification issue.

The addition of provisional balloting to Maine law would involve a new, ongoing cost for the State and local governments to print ballots and oversee provisional balloting. In order to comply with due process statutes, election officials would also need to provide written notice to voters whose provisional ballots were disqualified and whose vote was not counted. Costs would likely be higher in earlier years and stabilize at a lower annual rate as voters complied with the voter ID law.

*Provisional balloting would involve new, ongoing costs for the state of Maine and local governments.*

Provisional balloting would also inject delay and uncertainty into Maine's elections. In some states, voter ID laws provide sufficient time for provisional voters to produce a state-issued ID so that their vote may be counted. For example, a federal court struck down Georgia's voter ID law in part because voters without drivers' licenses or access to public transportation need extra time to return to election offices to resolve ID issues.<sup>18</sup> In addition, it is not clear whether provisional voters with disqualified ballots would have the right to appeal a disqualification decision.

Municipalities would bear the greatest cost of implementing provisional balloting including: printing provisional local ballots, verifying IDs, processing provisional ballots, re-tallying vote counts if necessary, and providing written notice to disqualified voters. Depending on how a law is written and what action the legislature takes, the State could be responsible for 90 percent of these costs to municipalities, under provisions of Maine's constitution.

MECEP estimated the cost to the State to print provisional ballots and assumed that 30 percent of voting-aged people without IDs would require a provisional ballot on Election Day during the first year of implementation. MECEP also estimates that this ratio would drop to 20 percent during the second year and stabilize at ten percent thereafter.

MECEP estimates that implementing provisional balloting could cost the State up to \$79,928 for printing ballots for the first three years with a continued annual cost thereafter.

## SUMMARY OF FISCAL IMPACT

Combining the component costs of implementing a voter ID law, MECEP estimates a three-year cost of \$3.8 million.<sup>19</sup> These costs are outlined in Table 1.

<sup>16</sup> In cases where there were questions about what voter ID requirements might be, MECEP assumed that Maine's existing election law would stay in place. For example, voter registration, recounts, state vs. municipal election duties, etc. The only exception was to add provisional balloting because the legislature considered that option in its deliberations of a voter ID law for Maine.

<sup>17</sup> See the appendix for a description of Maine's current challenged voter system.

<sup>18</sup> Agraharkar, et al., *The Cost of Voter ID Laws: What the Courts Say*, p 5.

<sup>19</sup> It should be noted that while MECEP based some of its analysis on the fiscal note that accompanied LD 199, our cost estimate differs in significant ways. The fiscal note only addressed the cost to provide voter ID cards free of charge. It did not account for costs associated with making IDs readily accessible such as mobile units, nor did it quantify the costs for public outreach and voter education.

**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
<b>Total</b>	<b>\$3,821,514</b>

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.

## CONCLUSION

Voter ID requirements are designed to prevent voter impersonation, but there is no evidence that such a problem exists in Maine. Should the legislature move forward with enacting a voter ID law, it needs to recognize the true costs of making sure that no voter is disenfranchised as a result of such a law. These costs include providing free IDs, purchasing mobile units to ensure citizens can easily obtain IDs, educating residents, and modifying state and local systems and personnel to administer the new requirements.

Requiring voter ID also imposes a heavy burden on Maine's citizens and election officials: diversion of scarce resources away from maintaining or improving Maine's election systems; more complicated and less efficient balloting processes; and significant inconvenience for Maine voters, especially elderly, low-income, or young voters. Ultimately, the most serious cost could be discouraged voters and lower participation in elections. Maine's existing voter registration and election system is sensible, efficient, and effective. We should keep it that way.

### ABOUT THE AUTHORS

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### ABOUT MECEP

The Maine Center for Economic Policy advances public policies that help Maine people prosper in a strong, fair, and sustainable economy. We advance this mission through high-quality research, analysis, citizen education, and coalition building. MECEP is an independent, nonpartisan organization founded in 1994.

## Appendix

### MAINE'S CURRENT CHALLENGED BALLOTING SYSTEM<sup>20</sup>

Under Maine's current law, a registered voter does not have to provide proof of identity in order to cast a ballot. However, any registered voter of the municipality may challenge a voter's right to vote. Even still, the law states that a challenged voter may not be turned away from the voting place, but may vote using a regular ballot which is hand-marked by the election official to indicate a challenge. All challenged ballots are initially counted into the vote tally in the same manner as regular ballots. No final decision is made on a challenged ballot unless it determines the outcome of the election. Election officials resolve challenges within a "reasonable time" after the election and either retain or strike that voter's name from the voting rolls.

### MAINE'S CURRENT VOTER REGISTRATION SYSTEM<sup>21</sup>

To register to vote in Maine, a person must be a U.S. citizen, be at least 17 years of age (turning 18 prior to Election Day), and complete an application form. Requirements for this application include: statement of citizenship and age; legal name; date of birth; party affiliation (if any); address of current residence; voter signature; and:

- driver's license or Maine state ID;
- Social Security number; and
- designation of "none" – for voters who do not have a Maine driver's license, a Maine state ID, or a Social Security number.

A state-issued identification is not currently a requirement for registering to vote in Maine. Prospective voters may produce alternate evidence of name and address. To verify address, voters must provide a copy of a government issued ID, birth certificate, or Social Security card. Absent these, voters may present a current utility bill, bank statement, paycheck stub, or other government document that displays the voter's current name and address.

### ACCEPTABLE DOCUMENTS FOR OBTAINING A MAINE STATE NON-OPERATOR ID<sup>22</sup>

To obtain a Maine state identification card, a person must bring two of the following items that shows date of birth and signature.

Adoption Papers	Baptismal Records
Birth Certificate	Certificate of Marriage
Citizenship Papers	Concealed Weapons Permit
Copy of Marital Application	Court Order
Divorce Papers	Draft Card
Driver Education Card	Driver's License
Driver's Permit	Medical Record from Doctor/Hospital
Military ID Card	Military Discharge/Separation
Passport	School Records/Transcript
Social Security Card	Unemployment Card

In addition to proof of identification from the list above, persons seeking to acquire a non-driver identification card must provide proof of Maine residency and legal presence in the U.S.

<sup>20</sup> M.R.S. Title 21-A, section 673. Website: <http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec673.html>.

<sup>21</sup> M.R.S. Title 21-A, section 112-A. Website: <http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec112-A.html> and section 152: <http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec152.html>.

<sup>22</sup> Maine Bureau of Motor Vehicles. Website: <http://www.maine.gov/sos/bmv/licenses/IDproof.html>.