



The High Cost of 'Free' Photo Voter Identification Cards

By Richard Sobel



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EXECUTIVE SUMMARY

Photo voter identification laws, passed by 22 state legislatures since 2003, have become a lightning rod for political debate about voting rights in this country. Proponents claim such laws are necessary to maintain the integrity of the electoral process and protect against in-person voter fraud. Opponents maintain that in-person voter fraud is virtually non-existent and the real intent of these laws is to make it harder for minority group members, the young, the poor, women and the elderly to vote.² Currently, photo voter ID laws are at least partially in effect in 15 states, have been struck down permanently in one, at least temporarily in two others, and are scheduled for implementation this year in four more. Most states either do not require ID or require non-photo ID to vote.

The controversy over the constitutionality and effects of state voter identification requirements will likely intensify in the upcoming years, particularly under state constitutions, now that the U.S. Supreme Court has ruled in *Shelby County v. Holder* (June 25, 2013) challenging Section 5 (“pre-clearance”) of the Voting Rights Act of 1965. By instead striking down Section 4 (coverage formula for Section 5 preclearance requirements) of the Act, the Court has limited the reach of a major legislative civil rights protection in nine mostly southern states. By not striking down Section 5, Section 2 (prohibiting voting discrimination), or Section 3 (“bail-in”), the Court has left open other enforcement options under the Act. The *Shelby* majority also challenged Congress to update the Section 4 coverage formula to meet current Supreme Court’s strictures.

The fundamental question at the heart of this debate is whether photo voter ID requirements abridge the right to vote. In the 2008 case of a “facial” challenge to the constitutionality of conditioning the right to vote on showing an official ID in *Crawford v. Marion County Election Board*, a

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² See Jane Mayer, “The Voter Fraud Myth,” *The New Yorker*, October 29, 2012, available online at: http://www.newyorker.com/reporting/2012/10/29/121029fa_fact_mayer and Richard Hasen, *The Voting Wars*, Yale University Press, 2012.

divided U.S. Supreme Court permitted Indiana to require voter IDs. But the opinion cautioned that such laws might be unconstitutional under “as-applied” challenges if the laws could be shown to burden particular voters.³ In response to the *Crawford* decision, states requiring official ID now are supposed to offer “free” voter IDs to those who lack drivers’ licenses or other forms of government-sponsored identification cards.

What exactly is meant by a “free” ID in this context, and is a “free” voter ID really free? Drawing on published articles obtained through the Internet, media, and legal testimony, this report calculates the costs incurred by three different individuals who had to obtain “free” voter identification cards in each of three states—Pennsylvania, South Carolina, and Texas. Each state has enacted controversial, and legally contested, voter identification laws in the past three years. Since data on costs are not readily obtainable, this report develops a method for estimating the costs of a “free” state-issued photo ID for voting based on the factors of time, travel and out-of-pocket expenses:⁴

1. Time costs involved in learning about photo voter ID requirements and how to meet them.
2. Costs of purchasing required birth, marriage, naturalization and other certificates. In some instances, the calculations include legal fees needed to secure these documents.
3. Costs of travel expenses to the departments of vital records and motor vehicles, and the potential cost of hiring a driver and/or vehicle.
4. Costs of travel time and waiting time at the agencies.

This report finds that the expenses for documentation, travel, and waiting time are significant—especially for minority group and low-income voters—typically ranging from about \$75 to \$175. When legal fees are added to these numbers, the costs range as high as \$1,500. Even when adjusted for inflation, these figures represent substantially greater costs than the \$1.50 poll tax outlawed by the 24th amendment in 1964.⁵ When aggregating the overall costs to individuals for “free” IDs in all voter ID states, plus the costs to state government for providing “free” IDs, the expenses can accumulate into the \$10s of millions per state and into the \$100s of millions nationwide.

³ In October 2013, former Supreme Court Justice John Paul Stevens, author of the *Crawford* opinion, questioned the potential discriminatory impact of voter IDs. See Jess Bravin, “Voter-ID Laws Worry Jurist: Retired Supreme Court Justice Says Poor, Minorities Could Be Affected,” Wall Street Journal online, October 17, 2013, available at: <http://online.wsj.com/news/articles/SB10001424052702304384104579141701228734132>

Also, in October 2013, Seventh Circuit Judge Richard Posner, who wrote the *Crawford* appellate decision, questioned whether the decision was correct because there was inadequate information provided on the impact of voter ID laws. See Posner, *Reflections on Judging*, 2013, pp. 84-85; Richard Posner, “I Did Not Recant on Voter ID Laws,” *New Republic*, Oct 27, 2013; John Schwartz, “Judge in Landmark Case Disavows Support for Voter ID,” *New York Times*, October 15, 2013.

⁴ The factors in estimating the cost of a “free” voter ID have been identified based largely on those described in the 2006 Missouri Supreme Court decision striking down the constitutionality of voter identification laws, *Weinschenk v. State of Missouri* (SC 88039, 2006). A fuller discussion of that decision and the criteria for identifying cost factors appear in Section II of this Report. The Pennsylvania and South Carolina estimates of ID costs largely draw on details in media reports. Texas examples are constructed based on information in a state senator’s testimony in *Texas v. Holder* about the distances constituents would have to travel to get a photo ID.

⁵ The value of the poll tax in today’s dollar is \$11.27, roughly one-tenth the average cost of a voter ID. Drew Desilver, “Anti-Poll Tax Amendment is 50 years old today,” Pew Research Center, January 23, 2014, available at: <http://www.pewresearch.org/fact-tank/2014/01/23/anti-poll-tax-amendment-is-50-years-old-today/>

For many people, paying the cost needed to meet voter ID requirements means spending the equivalent of more than a week's worth of groceries. In fact, some citizens simply cannot afford the costs required to obtain these IDs. Still others can never get the documents they need to qualify for a voter ID. In short, under these laws, those citizens who cannot get IDs will pay the ultimate price in a democracy: they will lose their right to vote.

Here are the estimated expenses incurred by the three individuals in each of the three states in pursuit of a "free" voter identification card:

Pennsylvania:

Voter #1:	\$133.61
Voter #2:	\$172.39
Voter #3:	\$107.25

South Carolina:

Voter #1:	\$166.50
Voter #2:	\$92.50 (\$1,047.50 if pro bono legal fees calculated)
Voter #3:	\$99.75 (\$1,449.75 if pro bono legal fees calculated)

Texas:

Voter #1:	\$79.26
Voter #2:	\$87.96+
Voter #3:	\$148.46+

There are other less recognized costs about voter identification laws. These include the resources that voting and civil rights organizations have to divert from their core missions of getting people registered and out to vote. They also include expenses imposed upon the budgets and taxpayers of states that enact voter identification laws. These costs include establishing new bureaucracies or adding staff to existing ones, producing the actual identification cards, publicizing and instructing voters about the new laws, training poll workers, judges and other voting officials, and, not insignificantly, litigating these laws against challenges in federal and state courts. Such litigation costs are likely to increase for both voting rights organizations and state governments in follow up challenges after the *Shelby* decision. Studies indicate that meeting the voter ID requirements could cost the treasuries of voter ID states up to \$78 million or more.⁶

⁶ See The Voting Rights Institute, *The Real Cost of Photo ID*, available at: http://assets.democrats.org/pdfs/photoid/Dems-report-real_cost_of_voting_ID.pdf, and Advancement Project, "What's Wrong with this Picture?," April 2011, available at: <http://www.advancementproject.org/resources/entry/whats-wrong-with-this-picture-new-photo-id-proposals-part-of-national-push>

In sum, voter IDs are expensive, often prohibitively so.⁷ And their costs can produce the constitutionally impermissible effect of abridging or denying individual citizens their right to vote. The total costs to citizens in all voter ID states for “free” IDs, plus state government expenses for producing those “free” IDs, can reach into the multiple \$100s of millions.

Moreover, voter identification laws are not being enacted in a vacuum. There is a long history in this country of imposing barriers aimed at keeping African Americans, in particular, from exercising their constitutional right to vote. Our nation is currently undergoing a profound demographic transition that will leave the U.S. with no single racial majority in 50 years. The media made much of the political implications of demographic changes among the voting public for the outcome of the 2012 election. Like voter ID laws, requirements to produce a birth certificate to register to vote are both barriers to participation and not-so-subtle questions about who is a “real American.”

As a result of the *Shelby* decision, which struck down Section 4 of the Voting Rights Act, it initially appeared that states with a long history of voting discrimination would no longer be required to obtain government preclearance before enacting changes in electoral practices and policies like voter IDs. While other enforcement options lie in Sections 2 and 3 of the Act, the *Shelby* decision makes it particularly critical to examine whether ostensibly “race neutral” voter identification laws are actually more sophisticated “Jim Crow” rules. Do these laws disenfranchise large swaths of populations of color, along with other vulnerable groups? Beyond racial and ethnic minority groups in general, the disenfranchised can include the young, the poor, women, and the elderly.

If the costs of a “free” voter ID can be shown to burden particular voters, it can serve as the basis for facial and “as-applied” constitutional challenge under the *Cranford* criteria. An accurate accounting of the full costs involved in securing these photo identification documents is a critical part of an examination of the extent to which voter IDs discourage or prevent citizens from voting. While further litigation requires detailed evidence on the cost of “free” voter IDs for specific plaintiffs, this report begins the investigation.

⁷ The average for the 3 Pennsylvania voters is \$137.50, roughly 10 times the cost in today’s dollar of the outlawed poll taxes (see note 4 above as \$11.27). Based on the estimate in *Applewhite v. Pennsylvania* of at least 320,000 registered Pennsylvania voters lacking compliant IDs, at \$137.50 per person, the aggregate cost for voters to get an official ID would be \$44 million. In Texas, the District Court decision in *Texas v. Holder* (8/30/12, p. 6) reported a Texas government estimate of 795,955 registered voters without a driver’s license (experts estimated up to 1,893 million voters without ID, 7/12/12). Using the average cost from the 3 Texas examples of \$105.23, the total expense for Texans to get “free” voter IDs would be \$83,755,691. Assuming the total cost for voters to get “free” IDs in the 21 states with voter ID laws is proportional to population, the national total would be (143.8 million/38.8 million x \$127.8 million)—or \$437 million, nearly a half billion dollars from largely poorer citizens to get a “free” voter ID.

The High Cost of 'Free' Photo Voter Identification Cards

I. VOTER ID LAWS IN HISTORICAL CONTEXT

The questions about the costs of “free” photo voter IDs lies within this country’s long history of imposing voting restrictions aimed at disenfranchising particular populations, most notably African Americans. In the aftermath of the Civil War and Reconstruction, despite passage of the 13th Amendment abolishing slavery, the 14th Amendment confirming citizenship and promising equal protection, and the 15th Amendment protecting the vote against racial discrimination, state and local authorities across the South reversed the progress by legislating and enforcing “Jim Crow” laws. These were, in theory, intended to support “separate but equal” access to facilities, such as public schools, restrooms, restaurants and travel. In reality, however, the places and institutions designated for African Americans were inferior to those for whites. This system of inequity was supported by a culture of white privilege that allowed overt anti-black racism to continue long after the Emancipation Proclamation and Civil Rights Amendments. “Jim Crow” manifested and sustained itself through regressive laws and the support of intimidating and sometimes violent groups. Are voter ID laws Jim Crow in modern garb?

Along with enduring crippling restrictions on access to employment, public transportation, and social interactions, blacks in the post-Reconstruction South were denied the right to vote. Grandfather clauses limited the franchise to those whites whose ancestors voted prior to the Civil War. Poll taxes placed a financial burden on blacks, particularly the poor, by charging a fee for access to this basic right. Literacy tests provided the bases for white officials to exercise absolute authority to determine content and passage criteria for certifying or disenfranchising minority voters. While these laws kept most blacks from voting, they often also denied suffrage to poor whites.

The ratification of the 24th Amendment in 1964, the passage of the Civil Rights Act of 1964, the enactment of the Voting Rights Act of 1965, and the Supreme Court decision *Harper v. Virginia Board of Elections* in 1966 officially outlawed most of these discriminatory practices. The 24th Amendment prohibits both Congress and the states from conditioning the right to vote in federal elections on payment of a “poll tax or other tax.” At the 1964 ceremony celebrating its ratification, President Johnson said, “There can be no one too poor to vote.” The Civil Rights Act of 1964 prohibits discrimination in voting. The Voting Rights Act—often viewed as the crown jewel of the Civil Rights Movement—prohibits states from imposing any “voting qualification or prerequisite to voting, or standard, practice, or procedure...to deny or abridge the right of any citizen of the United States to vote on account of race or color.” The 1966 *Harper* ruling struck down poll taxes for state elections because they violate the Equal Protection Clause of the 14th Amendment. The Voting Rights Act was last renewed in July 2006 for 25 years covering nine mainly southern states.

These legal victories did not, however, put an end to disenfranchisement efforts, particularly in Southern states. Many discriminatory efforts went underground or became, on the surface, “race neutral.” The bitterly contested 2000 presidential election exposed several of the practices to the public for the first time. These included inadequate and outdated voting machines placed in poor and minority neighborhoods, leading to long lines and high rates of discarded (“spoiled”) ballots, private challenges and intimidation at the polls, spreading of false information about poll locations and voting requirements in communities of color, postal “caging” (identifying voters to challenge or purge through bulk mail returns), impeding of third party registration drives, and overly broad criteria used to purge felons from voter rolls.⁸

Legislation requiring photo voter identification began to emerge in the aftermath of the 2000 election, as Republican officials sounded dire warnings about “voter fraud.” Without any credible evidence to support his reasoning, Attorney General John Ashcroft announced, in 2002, that combating voter fraud would be a priority for his Justice Department. In 2006, Republican Party strategist Karl Rove warned of an “enormous and growing problem with elections in certain parts of America today,” using language that is commonly heard today as justification for voter identification requirements. “I appreciate all that you’re doing in those hot spots around the country to ensure that the ballot — the integrity of the ballot is protected, because it’s important to our democracy.”⁹

The first state to enact photo voter identification requirements was South Dakota, in 2003. In 2006, Indiana and Missouri followed. Later in 2006, the Missouri Supreme Court struck down the state’s voter ID law as unconstitutional. In 2007, Georgia passed a stringent voter ID law. In 2008, the U.S. Supreme Court upheld in *Crawford* the facial challenge against the Indiana voter ID law. But the decision also raised the issue of the burden created by voter ID requirements as a potential basis for future “as-applied” challenges.¹⁰

⁸ See Alexander Keyssar, “Voter Suppression Returns: Voting Rights and Partisan Practices,” *Harvard Magazine*, July-August 2012. Available at: <http://harvardmagazine.com/2012/07/voter-suppression-returns>. As the article notes, “The term ‘voter suppression’ was first widely used in the United States in the 1880s....California and New Jersey, for example, began to require that immigrants present their original, sealed naturalization papers at the polls....In New York in 1908, authorities sought to winnow out Jewish voters...by designating Saturdays and Yom Kippur as registration days. Such measures were commonly justified as necessary to prevent fraud.” For an overview of voter ID issues, see Richard Sobel, editor, “Symposium: Voter Identification,” *PS: Political Science and Politics*, January 2009. See also Wendy R. Weiser and Lawrence Norden, “Voting Law Changes in 2012,” Brennan Center, 10-3-2011. Available at: http://www.brennancenter.org/sites/default/files/legacy/Democracy/RE/Brennan_Voting_Law_V10.pdf See also Keith Bentele and Erin O’Brien, “Jim Crow 2.0? Why States Consider and Adopt Restrictive Voter Access Policies,” *Perspectives on Politics*, December 2013, on partisan dimensions behind voter suppression vs. mobilization in requiring voter ID for elections and proof of citizenship for registration.

⁹ Salon.com, Garrett Epps, “Karl Rove’s Big Election-Fraud Hoax,” May 10, 2007, available at: http://www.salon.com/2007/05/10/voting_rights_2/

¹⁰ In October 2013, former Justice John Paul Stevens, who wrote the lead opinion in *Crawford*, raised the issue of the potential discriminatory impact of voter IDs on the poor and minorities. See Jess Bravin, “Voter-ID Laws Worry Jurist Retired Supreme Court Justice Says Poor, Minorities Could Be Affected,” *Wall Street Journal* online, October 17, 2013, available at: <http://online.wsj.com/news/articles/SB10001424052702304384104579141701228734132>. Similarly, in late 2013, appellate Judge Richard Posner, author of the Seventh Circuit *Crawford* decision, questioned whether the decision was correct. He now feels he was not provided with adequate information on the impact of voter ID laws to make a proper ruling. See Posner, *Reflections on Judging*, 2013, pp. 84-85; “I Did Not Recant on Voter ID Laws,” *New Republic*, October 15, 2013; John Schwartz, “Judge in Landmark Case Disavows Support for Voter ID,” *New York Times*, October 15, 2013. Whether or not he had adequate information in the original case, Posner’s raising the issue provides an invitation for exactly the kinds of investigations in this Report. See Paul Smith, “Seventh Circuit Should Have Known About Voter ID Effects,” *Privacy Journal*, November 2013. The lack of success in the *Crawford* facial

Yet, it was not until the Republican landslide of 2010 caused a political turnover in 8 governorships and at least one house in each of 17 state legislatures that the majority of current photo voter identification laws were enacted.¹¹ Since 2011, 17 states have passed new photo voter identification laws.¹² Of these, 11 are considered “strict,” meaning that they do not allow a voter to cast a regular ballot if the voter does not possess valid photo identification, or they only permit the use of a “provisional” ballot which is often not counted.¹³ In total, 21 states currently have either strict (11 states) or non-strict (10 states) voter ID laws (Missouri’s was invalidated), though not all are in effect. (See Table 9 here for details of voter identification laws and legal challenges.)

Even though voter identification laws were being touted as necessary to prevent in-person voter fraud,¹⁴ repeated investigations of these allegations show that there is virtually no in-person voter fraud nationally.¹⁵ A study of 2,068 alleged cases conducted by the News21 journalism consortium found that since 2000 there have been only ten cases of in-person voter fraud that could have been prevented by photo ID laws.¹⁶ Out of 146 million registered voters, this is a ratio of one case of voter fraud for every 14.6 million eligible voters—more than a dozen times less likely than being struck by lightning.¹⁷ Table 1 illustrates the miniscule proportion of alleged in-person voter fraud in the states of Pennsylvania, South Carolina and Texas.

challenge, which included only two individual plaintiffs who were voters as well as political candidates and the success of the Missouri, Wisconsin and Pennsylvania combined facial and as-applied challenges suggest that demonstrations of specific burdens are essential for successful constitutional cases against voter ID laws.

¹¹ Comparison of 2009 and 2010 control of 50 state legislatures shows that 11 houses and 12 senates turned Republican, a net of 17 chambers in at least one state, and 8 governorships turned Republican.

¹² Voter ID laws were passed in 2010 in Idaho; in 2011, in Alabama, Kansas, Mississippi, Rhode Island, South Carolina, Tennessee, Texas and Wisconsin; in 2012, in New Hampshire, Pennsylvania, Michigan, Louisiana, Hawaii, Florida, and in 2013, in Virginia and North Carolina. Of these 16, only two in Rhode Island and Hawaii were passed by Democratic legislatures, and Rhode Island’s is not being fully enforced, while Hawaii’s law allows individuals without photo identification to cast regular ballots if they can recite their date of birth and residence. An attempt to institute a strict voter ID law in Rhode Island law stalled, but limited the enforcement of the ID requirement.

¹³ National Conference of State Legislatures, “Voter Identification Requirements,” October 24, 2012. Available at: <http://www.ncsl.org/legislatures-elections/elections/voter-id.aspx> See Table 9 here for details of the 11 strict and 10 non-strict voter ID laws. Sixteen states have no voter ID laws.

¹⁴ In an appellate dissent in *Crawford v. Marion County Election Board* (484 F.3d 436 (2007) Judge Terrence Evans called voter ID laws a “not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic.” The passage of these state laws almost exclusively by Republican legislatures, signed by Republican governors, except in Rhode Island, and upheld largely by Republican appointed judges, bolsters claims of partisan intent. See Keith Bentele and Erin O’Brien, “Jim Crow 2.0? Why States Consider and Adopt Restrictive Voter Access Policies,” *Perspectives on Politics*, December 2013, for substantiation of partisanship and racialized animus behind voter ID and proof of citizenship laws, as well as social welfare policies. “Our findings confirm that Democrats are justified in their concern that restrictive voter legislation takes aim along racial lines with strategic partisan intent.” (p. 1104)

¹⁵ *Crawford v. Marion County Election Bd.*, 553 U.S. 181, 194, 128 S. Ct. 1610, 1619, 170 L. Ed. 2d 574 (2008) (“The record contains no evidence of any such fraud actually occurring in Indiana at any time in its history.”) Editorial, “The Myth of Voter Fraud,” *New York Times*, October 9, 2011. Available at: http://www.nytimes.com/2011/10/10/opinion/the-myth-of-voter-fraud.html?_r=2& Also, Eric Lipton, “In 5-Year Effort, Scant Evidence of Voter Fraud,” *New York Times*, April 12, 2007. Available at: <http://zfacts.com/metaPage/lib/NYT-4-07-no-voter-fraud.pdf>

¹⁶ News21, “Who Can Vote?” 2012. <http://votingrights.news21.com/article/election-fraud/> News21 is a Carnegie-Knight Foundation Initiative with five university journalism programs. Of the 10 cases of in-person voter fraud, News21 found 3 in Texas (2010-11), 3 in Colorado (2005-11), and one (1) each in Kansas (2008), New Hampshire (2004), Alabama (2002) and California (2002).

¹⁷ News21, “Who Can Vote?” 2012. <http://votingrights.news21.com/article/election-fraud/> See also Jane Mayer, “The Voter Fraud Myth” *The New Yorker*, October 29, 2012, available at: http://www.newyorker.com/reporting/2012/10/29/121029fa_fact_mayer One case out of 14.6 million is about 15 times less likely than the “one in a million” odds of being struck by lightning. See: <http://discovertheodds.com/what-are-the-odds-of-being-struck-by-lightning/>

Table 1. Voter Registration, Portion of Voters Affected by Voter ID Requirements, and Frequency of Alleged Voter Fraud in Pennsylvania, South Carolina, and Texas

STATE	NUMBER OF VOTERS (2012) ¹⁸	# OF ALLEGED IN-PERSON VOTER FRAUD (2010-12) ¹⁹	% POTENTIALLY FRAUDULENTLY CAST VOTES (2012) ²⁰
Pennsylvania	5,593,499	1 ²¹	.000018%
South Carolina	1,921,363	0	.000000%
Texas	7,962,599	3 ²²	.000038%

While it is not known precisely how many Americans lack photo voter IDs, a number of studies estimate that it is roughly one in 10 registered voters—more than 20 million Americans.²³ As calculated from Table 1, more than 15 million citizens voted in Pennsylvania, South Carolina, and Texas in 2012, and less than 5 illegally. Even if only 1 percent of those three states' registered voters lacked photo IDs, that would be 150,000 Americans. Even if only 1 percent of those citizens could not vote because they lacked official ID, it would be 1,500 voters. As the court in *Applewhite v. Pennsylvania* noted, “the disenfranchisement of even one person validly exercising this right to vote is an extremely serious matter.”²⁴ Clearly many times more people would be deterred from voting for lack of proper ID than might be stopped from improperly voting in person.

II. CONSTITUTIONAL CHALLENGES TO PHOTO VOTER IDENTIFICATION LAWS

Almost immediately after their passage, voter ID laws have been subject to constitutional challenges. The first challenge came in 2006, in *Weinschenk v. State of Missouri*.²⁵ In a successful facial and as-applied challenge, the Missouri Supreme Court struck down as a violation of equal protection and

¹⁸ Associated Press, “2012 Presidential Election,” Politico, November 29, 2012. Total number of voters is the sum of all presidential votes. Total voters for the 3 states in Table 1 is 15,477,461. <http://www.politico.com/2012-election/map/#/President/2012/>

¹⁹ News21 Staff, “Election Fraud in America,” August 12, 2012. <http://votingrights.news21.com/interactive/election-fraud-database/>

²⁰ Percentages of alleged fraudulent votes calculated by dividing number of fraudulent votes alleged by total number of votes.

²¹ News21, “Election Fraud in America.” The one 2012 Pennsylvania case was double voting; an earlier case of double voting occurred there in 2003. There was also one case of voter registration fraud with casting an ineligible vote in 2008, and two cases of alleged voter fraud of unknown type in 2002. (5 cases total).

²² News 21, “Election Fraud in America.” In Texas, one case of voter impersonation fraud occurred in 2011 and two in 2010. From 2002 to 2011, there were also 16 cases of voter registration fraud and/or casting an ineligible vote and 4 cases of felons' casting ineligible votes. (23 cases total).

²³ Brennan Center for Justice, Citizens without Proof (2006), available at: http://www.brennancenter.org/page/-/d/download_file_39242.pdf.

²⁴ *Perles v. Cnty. Return Bd. of Northumberland Cnty.*, 415 Pa.154, 202 A.2d 538 (1964), as cited in *Applewhite v. Pennsylvania*, Appendix B, Conclusion of Law, p. 6, No. 42.

²⁵ *Weinschenk v. State of Missouri*, 203 S.W. 3rd 201, 2006. As the decision notes in Section F, existing federal and states requirements for voters to identify themselves by name and address, and sometimes sign a register, that impose felony penalties for fraudulent voting provide adequate safeguards. For times when there might be questions (such as recent changes of address), the state providing a paper voter registration card, as is the case in Oklahoma (www.nscl.org)—mailed to a voter's address—is adequate for fair voting administration.

http://www.leagle.com/decision/2006404203SW3d201_1400.xml/WEINSCHENK%20v.%20STATE.

the right to vote in its state constitution a photo voter ID law passed earlier that year. The court did so, in part, because it found that the costs imposed on citizens to secure the supposedly free government ID placed a substantial burden on the right to vote. In its opinion, the court identified the following as costs:

- Money spent to obtain a birth certificate, naturalization papers, or passports;
- Money spent on travel to governmental agencies;
- Time spent in securing necessary documents and the government ID;
- Time spent developing the skills necessary to navigate the bureaucracy.

In identifying these costs, the court wrote: “[I]n addition to the monetary costs imposed on persons seeking to obtain the proper photo ID, the process to do so imposes additional practical costs, including navigating state and/or federal bureaucracies, and travel to and from the Department of Revenue and other government agencies. One of these practical costs is the time it takes to receive the appropriate documentation.”²⁶

The Missouri Supreme Court noted that the “Photo-ID Requirement requires payment of money to exercise the right to vote. Those citizens who do not possess the requisite photo ID...must expend money to gather the necessary documentation to obtain it in order to exercise their right to vote.”²⁷

The court specified what the costs were of a free voter ID:

“Persons...who do not already have the requisite photo IDs must arrange to obtain them by presenting a birth certificate or passport and, if necessary, proof of name changes. To do so requires both funds and advance planning to allow for the six to eight weeks...to obtain a Missouri birth certificate...Those things that require substantial planning in advance of an election to preserve the right to vote can tend to ‘eliminate from the franchise a substantial number of voters who did not plan so far ahead.’”²⁸

In short, the court found that the burden involved in obtaining even “free” voter identification cards is substantial both financially and in terms of time spent.

Two years later, a divided U.S. Supreme Court by a 6-to-3 vote permitted Indiana to require photo voter IDs in *Crawford v. Marion County Election Board*. But the decision cautioned that such laws might be unconstitutional if an “as-applied” challenge could show the laws burdened certain voters. As Richard Hasen noted in *The Voting Wars*: “When the three votes for the Stevens opinion were put together with the votes of the three dissenters (Justices Breyer, Ginsburg, and Souter) there was a

²⁶ Id. at 208-209.

²⁷ Id. at 213.

²⁸ Id. at 214-215.

Court majority ready to hear another case if evidence of a significant burden of obtaining voter IDs could be established for identified groups of voters.”²⁹

There have been other state and federal constitutional challenges mounted against the photo voter ID laws passed since 2010. In Wisconsin, two circuit judges separately ruled the law invalid prior to the 2012 election. *League of Women Voters v. Walker* (2012) makes explicit that requiring voter IDs damages and abridges the democracy-sustaining right. This decision maintains that citizens have the fundamental right to vote without a government ID and the ID requirements invert democratic standards:

“These qualifications are explicit, exclusive, and unqualified...and the Constitution...confers no authority upon the legislature to change, impair, add to or abridge them...Until the people’s vote approved the Constitution, the legislature had no authority to regulate anything, let alone elections. Thus, voting rights hold primacy over implicit legislative authority to regulate elections... [A]rgument that the fundamental right to vote must yield to legislative fiat turns our constitutional scheme of democratic government squarely on its head...If citizens are deprived of that right, which lies at the very basis of our Democracy, we will soon cease to be a Democracy.”³⁰

In sum, legislative interference with the citizen franchise by photo ID requirements undermines the democratic process.

“[N]o right is more jealously guarded...under our constitutions...than is the right of suffrage...enjoyed by the people before the adoption of the constitution and is one of the inherent rights...[P]hoto ID requirements impermissibly eliminate the right of suffrage altogether for certain constitutionally qualified electors...who ha[ve] incontrovertible...proof at the polls that [they are] a qualified elector...but lack statutorily acceptable photo ID....Thus...photo ID requirements are unconstitutional because they abridge the right to vote.”³¹

Voter ID laws are also inherently discriminatory:

“[T]hese disenfranchised citizens would consist of those struggling souls who...will lack the...resources to comply with [Voter ID], but are otherwise constitutionally entitled to vote....The right to vote belongs to all Wisconsin citizens who are qualified electors, not just the fortunate majority for whom [Voter ID] poses little obstacle at the polls.”³²

²⁹ Richard Hasen, *The Voting Wars: From Florida 2000 to the Next Election Meltdown*, 2012, p. 85.

³⁰ *League of Women Voters of Wisconsin v. Walker*, (Case 2012AP584), at 2.

³¹ *Id.* at 5.

³² *Id.* at 6-7.

Despite the questionable constitutionality and lack of evidence of in-person vote fraud that might be prevented by checking IDs, 21 states have passed laws requiring photo IDs to vote.

In 2012, Pennsylvania passed one of the strictest voter identification laws in the country, which requires all voters to present a photo ID in order to cast a ballot.³³ This identification must include the voter's name and photograph, and be issued by the U.S. government, the Commonwealth of Pennsylvania, a municipality of the Commonwealth to an employee of the municipality, an accredited Pennsylvania institution of higher learning or a Pennsylvania senior care facility. Further, the ID must include an expiration date and not be expired, with an exception for a non-expiring military ID or a Pennsylvania ID card that is less than twelve months past the expiration date.

The Pennsylvania law creates an exception for voters who cannot afford to acquire a photo ID. Such individuals may vote if they sign a sworn affidavit testifying to their identity and that as "indigent" they cannot afford identification. However, in such circumstances the voter may only cast a provisional ballot, which would not be counted unless the voter provided additional identification or affirmations of poverty.³⁴

Applewhite v. Pennsylvania (2012) challenged the Pennsylvania law as a violation of the state constitution.³⁵ A Pennsylvania Commonwealth Court (appellate) judge ruled on October 2, 2012, that lingering questions required enjoining the law for the upcoming general election, and a further review of its constitutionality. Despite enjoining the ID requirements, the court permitted public instruction efforts about the voter ID laws before Election Day. The contradictory and incomplete information, poor training of poll workers, and general confusion led to significant complaints by voters of improper attempts being made to require ID in spite of the court order.³⁶ The Pennsylvania appellate court initially extended the injunction without a definitive decision whether to strike down the law or allow it to be implemented in the future. In January 2014, the Commonwealth Court struck down the law as "facially unconstitutional" in unreasonably burdening the exercise of the right to vote.³⁷

South Carolina and Texas have been covered by the Voting Rights Act of 1965, which required that jurisdictions in both states obtain "preclearance" (prior approval) from the U.S. Department of Justice or the U.S. District Court for D.C. before they can change their election laws and

³³ 25 P.S. §§ 2602, 2626, 3050

³⁴ National Conference of State Legislatures, "Voter Identification Requirements," October 24, 2012. <http://www.ncsl.org/legislatures-elections/elections/voter-id.aspx>. A provisional "ballot" is typically a misnomer because it will not be counted as a vote unless the photo ID the voters lack is provided; and, if this is possible, it typically occurs after the election is decided by the already counted votes.

³⁵ *Applewhite v. Pennsylvania*, 54 A.3d 1 (Pa. 2012) 2012 WL 4497211.

³⁶ See e.g., Amanda Terkel and Luke Johnson, "Pennsylvania Election Day Plagued by Confusion over Blocked Voter ID Law," The Huffington Post (November 6, 2012). http://www.huffingtonpost.com/2012/11/06/pennsylvania-voter-id_n_2083626.html

³⁷ *New York Times*, "Pennsylvania Voter ID Law Struck Down," January 17, 2014.

<http://www.nytimes.com/2014/01/18/us/politics/pennsylvania-voter-id-law-struck-down.html> The decision reported an estimated 511,415 registered Pennsylvania voters, of which 143,046 (28 percent) of those voted in the November 2012 election, lack a complaint photo ID (*Applewhite v. Pennsylvania*, July 15, 2013, pp. 2-9). That 28 percent is the most likely group to feel the effects of denial of voting rights for lack of voter ID.

procedures.³⁸ The Voting Rights Act prohibits “retrogression” in voting progress by minority groups through “devices and tests” that harken back to Jim Crow restrictions. Yet, both states passed voter ID laws that the Justice Department refused to pre-clear under Section 5 of the Voting Rights Act. Subsequently, both states sought to overturn those findings in federal court. In decisions by three-judge D.C. district court panels, Texas lost and South Carolina won.³⁹

The South Carolina law creates requirements similar to those of Pennsylvania regarding voter identification.⁴⁰ Under the South Carolina law, in order to cast a ballot, voters must provide one of the following: a photo ID issued by the South Carolina Department of Motor Vehicles, a passport, a military ID including a photo, or a South Carolina voter registration card containing a photo. This law also contains a vaguely worded exception about “reasonable impediments” that allow voters who cannot obtain a photo ID for financial reasons or have a religious objection to being photographed to cast a provisional ballot that will be counted after signing a sworn affidavit.⁴¹ However, the statute provides little guidance on how poll workers should provide notification or clarification of the non-photo options.

In 2012, the federal District Court in Washington, D.C., ruled against the Justice Department’s decision to refuse preclearance to South Carolina in *South Carolina v. United States*.⁴² The court’s decision was largely based on the law’s “reasonable impediment” provision allowing voters to cast a provisional ballot after signing an affidavit stating they could not obtain a photo ID. While the statute’s description of “reasonable impediment” was vague, the court explained that this provision allows voters to fill out and have counted provisional ballots simply by stating they were unable to obtain an ID, with few limitations on what impediments would be acceptable reasons.⁴³ The provisional nature of the ballots, which are supposed to be “considered valid” and counted afterwards, still raises questions about the full protection and exercise of voting rights.

The Texas law (S.B. 14), passed by the state legislature and signed by Governor Rick Perry in May 2011, sets out requirements for voters to present a driver's license, an election identification

³⁸ Preclearance provisions in the Voting Rights Act were suspended in June 2013 when the U.S. Supreme Court struck down the coverage formula in Section 4 in *Shelby County v. Holder*.

³⁹ *State of Texas v. Holder*, Fed R Civ P 45(c)3 (March 12, 2012); *South Carolina v. United States*, CIV.A. 12-203 BMK, 2012 WL 4814094 (October 10, 2012).

⁴⁰ §7-13-710.

⁴¹ National Conference of State Legislatures, “Voter Identification Requirements,” October 24, 2012. <http://www.ncsl.org/legislatures-elections/elections/voter-id.aspx>. The District Court decision clarified and restricted the definition of the “reasonable impediment” requirement for South Carolina.

⁴² *S. Carolina v. United States*, CIV.A. 12-203 BMK, 2012 WL 4814094 (D.D.C. Oct. 10, 2012).

⁴³ “So long as the reason given by the voter is not a lie, an individual voter may express any one of the many conceivable reasons why he or she has not obtained a photo ID....Any reason that the voter *subjectively* deems reasonable will suffice, so long as it is not false.” The county board “shall find” the ballot valid unless it has “grounds to believe the affidavit is false.” However, the court stated in footnote 5 that a voter citing opposition to the requirement of an ID to vote “need not be accepted.” This raises free speech and equal protections issues around protesting the law. For a discussion of similar free speech issues, see Daniel Solove, “New TSA Identification Requirement,” June 12, 2008. http://www.concurringopinions.com/archives/2008/06/the_new_tsa_ide.html See also *Applewhite v. Pennsylvania*, when the Court questioned a potential witness’s “admitted resistance to obtaining photo ID” (2-5) in reducing the credence of his testimony on the difficulty in obtaining a photo ID because he said “I don’t agree or approve of having to have an ID to go vote” (Tr. 983, 7/22/13).

certificate, a Department of Public Safety personal ID card, a U.S. military ID, a U.S. citizenship certificate, a U.S. passport, or a license to carry a concealed handgun issued by the Department of Public Safety. Each of these forms of identification must contain a photo of the voter and must not have expired more than 60 days prior to the election. Voters may use provisional ballot without the required photo ID. But the vote will not be counted unless the voter presents valid photo ID to a registrar within six days of the election, sign an affidavit declaring that they have a religious objection to being photographed, or they lack required identification due to a natural disaster declared by the President or the Governor within 45 days of the election.⁴⁴

In *Texas v. Holder* in August 2012, the federal District Court in Washington, D.C., upheld the Justice Department's decision to refuse to pre-clear Texas's voter ID law ruling that the law would have a discriminatory effect by disproportionately disenfranchising members of minority groups.⁴⁵ It specifically stated, "Undisputed record evidence demonstrates that racial minorities in Texas are disproportionately likely to live in poverty and, because SB 14 will weigh more heavily on the poor, the law will likely have retrogressive effect."⁴⁶ Texas officials planned to appeal the decision to the U.S. Supreme Court. However, they delayed the appeal for the potential impact that the Supreme Court's decision in the *Shelby* challenge to Section 5 of the Voting Rights Act could have on the Texas case. After the U.S. Supreme Court struck down Section 4 and vacated the D.C. district court decision against Texas, the Texas attorney general immediately announce plans to implement the Texas voter ID law for the November 2012 election. In August 2013 DOJ sued Texas under Sections 2 and Section 3 ("bail-in" to the requirement to get prior approval of electoral changes) to void again the voter ID law.⁴⁷

The suspension of enforcement of the Voting Rights Act preclearance requirements makes it even more important to demonstrate the costly burdens voter ID imposes on voters as a basis for challenging the constitutionality of these laws. By providing an approach to estimating actual costs, and clarifying examples of the costs incurred by individuals in their attempts to secure the required identification, this report offers evidence for further challenges to electoral discrimination under voter ID laws.⁴⁸

⁴⁴ National Conference of State Legislatures, "Voter Identification Requirements," October 24, 2012. <http://www.ncsl.org/legislatures-elections/elections/voter-id.aspx>

⁴⁵ *Texas v. Holder*, 12-CV-128, 2012 WL 3743676 (D.D.C. Aug. 30, 2012).

⁴⁶ *Texas v. Holder*, 888 F. Supp. 2d 113, 127 (D.D.C. 2012).

⁴⁷ Sarah Ferris, "High court sends voting cases back to Texas," *Houston Chronicle*, June 27, 2013 <http://www.chron.com/news/houston-texas/houston/article/High-court-sends-voting-cases-back-to-Texas-4629880.php>. See also "Holder Seeking to Require Texas to Clear Voting Changes with U.S.," *New York Times*, July 26, 2013, at www.nytimes.com/2013/07/26/us/holder-wants-texas-to-clear-voting-changes-with-the-us.html?emc=edit_na20130725. There is also the possibility that the Congress could update the Section 4 preclearance format, but its political prospects are unlikely. See Adam Serwer, "House GOP's half-hearted first attempt to patch Voting Rights Act," July 18, 2013, at <http://www.msnbc.com/politics/nation/house-gops-half-hearted-first-attempt-pat>. *United States v. Texas* (August 22, 2013).

⁴⁸ See David Wilson and Paul Brewer, "The Foundations of Public Opinion on Voter ID Laws, Political predispositions, Racial Resentment and Information Effects," *Public Opinion Quarterly*, 2013 for the persuasive strength of the argument that voter ID laws might disenfranchise existing voters.

III. CALCULATING THE COST OF A “FREE” VOTER ID

As the summary of legal challenges makes clear, the constitutionality of voter identification laws both as inherent abridgements and as substantial barriers to voting is still an open question for the courts. There appears to be a consensus that such requirements cannot impose burdens that undermine a person’s right to vote. Thus, it is critical to clarify the costs associated with obtaining a voter ID. This is so even if the ID document itself can be obtained without payment because getting an ID can involve other expenses for background documents, travel and time.⁴⁹

While information on the costs to individual voters of a particular state for obtaining voter IDs is not currently available in any systematic and reliable fashion, information in the public domain about individuals seeking voter IDs provides the basis for informative examples.⁵⁰ Based on the criteria established by the Missouri Supreme Court in *Weinscheck v. State* (see Section II here), this report identifies seven types of costs for individual voters in obtaining a “free” voter ID:

- 1) Direct costs (out of pocket expenses) for purchasing background documents needed to get an ID, such as birth certificates and marriage licenses. These costs are calculated on a state or county basis.
- 2) Time costs for correspondence and waiting to receive documents by mail or delivery services.⁵¹
- 3) Postage, delivery and special handling expenses for documents.
- 4) Travel costs to and from various agencies in order to obtain documentation and apply for the identification, calculated in expenses for gas, bus, van or train.
- 5) Travel time costs for making the trips to government offices.⁵² (Time multiplies for more than one trip.)

⁴⁹ For an example that provides a methodology, see Dan Filler, “No ID? The Marginal Cost of Voting in Pennsylvania,” The Faculty Lounge, July 9, 2012. <http://www.thefacultyounge.org/2012/07/the-marginal-cost-of-voting-in-pennsylvania-1.html> The analysis defines direct costs as out of pocket costs for background documents and travel expenses and indirect costs as time costs for assembling documents, traveling to ID agencies and time at agencies. (Other analyses describe direct cost as the price for a Voter ID—if a state charged for it—and indirect or secondary costs as out-of-pocket costs for background documents, travel costs or time costs.)

⁵⁰ Readers of this report may send other examples of costs incurred to obtain voter IDs to houstoninst@law.harvard.edu.

⁵¹ Because waiting times to get documents by mail can range from days to months and are hard to quantify, they are not directly included in the estimates.

⁵² Estimating the value of time is simplified by the assumption that travel and personal waiting time spent during regular working hours is valued at the state median wage if the voter’s wage is unknown; time spent outside of regular working hours is valued at the U.S. minimum wage of \$7.25 per hour. This is likely an underestimate since only about 5 percent of the Labor Force earns minimum wage or below (United States Department of Labor, “Characteristics of Minimum Wage Workers: 2011,” March 2, 2012. <http://www.bls.gov/cps/minwage2011.htm>). Because a driver is essentially “hired” (whether or not paid) if the voter cannot drive, travel time for a driver is calculated at the median wage. *Pro bono* legal services are valued at the lower level of the average hourly wage ranges for attorney services (though a higher figure might be more typical). See also, Peter Belenky, “Revised Departmental Guidance on Valuation of Travel Time in Economic Analysis,” U.S. Department of Transportation, September 28, 2011. Table 4 of this Department of Transportation document estimates that hourly time costs for local travel are \$12.50 per hour and \$18.00 for intercity travel. These higher figures again indicate that relying on minimum wages of \$7.25 underestimates actual time costs. Not assigning costs to the time of non-employed or retired individuals also underestimates the expenses. The alternate approach also assigns their time cost at the minimum wage. In short, the estimates in the Report typically understate the costs incurred in getting a “free” voter ID.

- 6) Navigating costs for having to maneuver complex bureaucracies (that are often open only for limited days or hours).
- 7) Waiting time costs at government offices, particularly Department of Motor Vehicles offices.⁵³ (Waiting times also multiply for repeated trips.)

In addition, there are other possible expenses for some individuals. For example, since those without driver's licenses by definition cannot drive, where public transportation is not available, the voter has to find a ride. Further, they face additional costs if they have to pay a driver to take them to and from various agencies and rent a car if the driver does not own a vehicle. In addition, as the next section details, individuals may have to pay legal fees and court costs in order to obtain required background documents.⁵⁴

THREE-STATE ANALYSIS

The following three examples for each of three contested states—Pennsylvania, South Carolina and Texas—illustrate and detail a range of total costs involved in applying for and obtaining a photo voter identification card. The voters in the Pennsylvania and South Carolina examples represent individuals who tried to obtain “free” voter identification cards as typically publicized in the media. The Texas examples are drawn from situations described in transcripts of depositions in *Texas v. Holder*. Among these nine examples, the costs to the individuals attempting to secure voter identification cards generally range from \$75 to \$175. In Pennsylvania, they range from a low of \$107.25 to a high of \$172.39; in South Carolina from \$92.50 to \$166.50; and in Texas from \$77.96 to \$360.09. Adding in the cost of securing legal counsel can increase the totals substantially, to as high as \$1,500.

PENNSYLVANIA

Example #1.1: \$133.61

According to a September 13, 2012 letter to *The Morning Call*⁵⁵ in Scranton, a Pennsylvania resident seeking a “free” voter ID had incurred costs of \$94.61 so far, which were likely to eventually reach \$133.61. The potential voter traveled 34 miles round trip to and from the PennDOT agency in Bethlehem, an estimated hour of travel time. After a 75-minute wait, she was advised that she needed to present a raised-seal birth certificate from her home state of New York and an updated

⁵³ The former Governor of Indiana (site of the *Crawford* case) described as a “time tax” the waiting period “for a free citizen” to get “his government’s permission to drive a car” at the state bureaucracies of the Bureau of Motor Vehicles (Mitch Daniels, *Keeping the Republic, Saving America by Trusting Americans*, 2011, p. 148). The requirement for waiting in line is particularly onerous for the elderly and persons with disabilities, especially for repeated trips (see *Applewhite v. Pennsylvania*, 2014, pp. 26, 28, 2-25.)

⁵⁴ This methodology can be used with information about the specific plaintiffs included in the Voter ID challenges to estimate their costs for getting voter IDs. For instance, the decision in *Applewhite v. Pennsylvania* (330 MD 2012), p. 2-26, n. 177, provides estimates of the waiting times for various registered voters, and these could be translated into specific dollar estimates by using the approach here.

⁵⁵ The Morning Call, *Obtaining a voter ID costs time and money*, September 13, 2012. http://articles.mcall.com/2012-09-13/news/mc-mcmahan-voter-id-20120913_1_photo-identification-license-center-license-facility

Social Security card. Subsequently, she requested a birth certificate from New York State. She then traveled to a local Social Security office and was informed that a raised-seal marriage certificate was also required to obtain the updated Social Security card. She then requested a marriage certificate from New York State. She now needs to return to the Social Security office with the marriage certificate to get an updated Social Security card. Then, she needs to return to PennDOT to provide the birth certificate and updated Social Security card to get a voter ID.

The direct costs of this “free” voter ID include acquiring a certified copy of a birth certificate for \$38.80. For a woman whose name has changed, it includes acquiring a certified copy of her marriage certificate for \$15. This brings the document cost to \$53.80. The author of the letter estimated the total travel costs for gas at \$20 to complete the process.

In time costs, the trip to PennDOT took an estimated one hour of travel. At minimum wage of \$7.25 per hour, one hour’s time cost was \$7.25. The voter spent 75 minutes (1¼ hour) at the PennDOT office. The time spent during the trip to the Social Security office was about 2 hours (1 hour travel; 1 hour visit). The voter will need an additional trip to the Social Security office with the sealed marriage certificate to get her updated Social Security card. That trip will likely take another 2 hours. She will then have to return to PennDOT for an estimated 2 hours. The total time cost is: 8¼ hours at \$7.25 per hour, or \$59.81.

In summary, the current incurred costs for this voter to get a “free” voter ID are: \$53.80 for documents, \$10.00 for gas and \$30.81 for time, or \$94.61. Factoring in future additional trips to the Social Security Office and PennDOT, the likely final total cost will include an additional \$10.00 in gas and \$29.00 in time, or ***\$133.61***.⁵⁶

Example #1.2: \$172.39

On August 17, 2012, a Pittsburgh resident tried to get a “free” voter ID.⁵⁷ He traveled to PennDOT, but could not transfer his out-of-state driver’s license to a Pennsylvania one because PennDOT only accepted checks and money orders. Nor could he acquire a non-driver’s license ID because he still had a valid license in another state. A clerk told him to return on or after August 27th to acquire a free photo ID for exclusive voting purposes. On September 1st, he made a second trip to PennDOT, but it was closed for Labor Day weekend, despite no notification of the closing on PennDOT’s website. He plans to return to PennDOT to make a third attempt to acquire a voter ID.

⁵⁶ Cost figure in italics and bold appear as examples in Table 2 to Table 4.

⁵⁷ Daily Kos, “I was denied free voter ID today: Pennsylvania,” August 17, 2012, <http://www.dailykos.com/story/2012/08/17/1121432/-I-was-denied-free-voter-ID-today-Pennsylvania>; Daily Kos, “*STILL* no voter ID: try #2 (Pennsylvania),” September 1, 2012, <http://www.dailykos.com/story/2012/09/01/1126822/--STILL-no-voter-ID-try-2-Pennsylvania>.

This voter's document costs may include \$10 for a Pennsylvania birth certificate (if he was born in-state, though Pennsylvania birth certification is free if he knows to request it at PennDOT). He has also had to travel by bus to PennDOT twice and needs a third trip at the cost of \$12 (\$4 per trip). The first trip took three hours (assuming one hour travel, two waiting). He spent a total of 6 hours traveling to PennDOT so far (including two hours travel time and four hours visit time). He will likely need another 3 hours for the third trip (one hour travel, two waiting). Using Pennsylvania's median wage of \$16.71/hr because he missed work, the time cost for 9 hours would be \$150.39 (\$50.13 travel, \$100.26 waiting). His total cost for documents (\$10), travel (\$12), and time (\$150.39) for a "free" voter ID is at least **\$172.39**.

Example #1.3: \$107.25

On July 18, 2012, Scranton resident Sherry Skramstad, 70, tried to get a voter ID.⁵⁸ She traveled to PennDOT in Scranton but was told she lacked the proper documentation to receive a photo ID because she did not have the marriage certificate to verify her name change. She then contacted, among others, the Governor's office, her state legislators, the state's Office of Aging, and Pennsylvania's two U.S. senators for assistance. However, no one was able to help her. She then reached out to *The Philadelphia Inquirer*, which contacted a PennDOT spokesperson. He put Ms. Skramstad in contact with Bernard Biros, the northeast Pennsylvania director for PennDOT. Mr. Biros arranged to resolve the problem once Skramstad returns to PennDOT with a birth certificate. Skramstad has ordered a birth certificate from New York and plans to then return to PennDOT to receive a photo ID.

Her costs for documents include a New York State birth certificate at \$37.25, and Priority Handling at \$15, so it arrives in time for the election, for a total cost of \$52.25. A copy of her marriage license will likely cost another \$10. She spent \$8 traveling by bus to PennDOT. She has spent 2 hours so far (assuming one hour travel, one waiting) and that is likely to double after her next trip. At minimum wage of \$7.25/hr, the 4 hours will cost her \$29 in total time by the end of the process (\$14.50 travel, \$14.50 waiting).

Ms. Skramstad's costs thus far include: documents (\$52.25), travel (\$8.00) and time (\$14.50), for a total cost for a "free" voter ID of \$74.75. Her final costs will likely add \$10 for a marriage license, \$8.00 in travel costs, and another \$14.50 in travel time for a total of **\$107.25**.

⁵⁸ Bob Warner, "Woman's ordeal shows voter-ID pitfalls," *The Philadelphia Inquirer*, July 18, 2012, http://articles.philly.com/2012-07-18/news/32714823_1_marriage-license-penn-dot-office-mexican-consulate

Table 2. Pennsylvania: Total costs range from \$107.25 to \$172.39.

EXAMPLE	OUT OF POCKET COSTS (\$)			TIME COSTS (\$)			TOTAL (\$)
	Document Costs	Travel Costs	Subtotal	Travel	Agency	Subtotal	
#1.1 Birth & marriage certificate, car, minimum wage	53.80	20.00	73.80	29.00	30.81	59.81	133.61
#1.2 Bus, median wage	10.00 ⁵⁹	12.00	22.00	50.13	100.26	150.39	172.39
#1.3 Birth certificate, marriage license, bus, minimum wage	62.25	16.00	78.25	14.50	14.50	29.00	107.25

SOUTH CAROLINA

Example #2.1: \$166.50

South Carolina resident Larrie Butler, 85, a registered voter, is still trying to get a voter ID.⁶⁰ In 2011, he went to the Department of Motor Vehicles (DMV) to acquire a photo ID, but was told he needed to provide a birth certificate. He traveled to Vital Records to acquire a birth certificate, but was told he did not possess the necessary paperwork, and was told what documents he needed to bring. He returned to Vital Records, but was told he still did not have the paperwork for a birth certificate.⁶¹ He was then instructed to go to court (court costs unknown) to have his name added into records to acquire a birth certificate. He traveled to court to have his name added into necessary records. He intends to return to Vital Records and the DMV to acquire a birth certificate and photo ID.

The document cost for a certified birth certificate in South Carolina is \$12. His travel costs to and from the DMV by bus are about \$4 and he will need to return a second time for another \$4. These two trips total \$8. Similarly, the two trips to and from Vital Records are about \$4 each roundtrip; with the need to return a third time at \$4. So the estimated public transportation cost to Vital Records is \$12. The public transportation costs to and from court are an additional \$4. In short, the total estimated travel costs are \$24.

⁵⁹ Individuals who know to ask at PennDOT to check their birth records electronically do not have to provide a birth certificate.

⁶⁰ A casualty of the voter ID law, June 7, 2011, <http://www.youtube.com/watch?v=UZ5cKz-bTCA>; The Lawyers Committee for Civil Rights Under Law, *Think Getting "Free" ID Is Easy? Think Again!*, <http://www.lawyerscommittee.org/page?id=0046>.

⁶¹ According to the South Carolina ACLU Memo by Susan Dunn, "Getting a certified birth certificate in S[outh] C[arolina]," Charleston, SC, Fall 2011, Section 3, applicants must provide three documents that are at least ten years old and from independent sources which verify the age, birth place, parentage, and name of the applicant.

The time costs involve two trips to the DMV (estimated at 6 total hours at \$7.25/hr minimum wage) equaling \$43.50. The three trips to Vital Records (estimated at 9 hours—3 hours travel, 6 waiting—at \$7.25/hr wage) are \$65.25. The trip to court (estimated at 3 hours—1 travel, 2 waiting—at \$7.25/hr) adds \$21.75. Thus, the total estimated cost of time is \$130.50 (\$43.50 + \$65.25 + \$21.75).

The total estimated cost, including the document cost of \$12, travel costs of \$24 (including a likely third trip to Vital Records and DMV), and time costs of \$130.50 is **\$166.50**.

South Carolina Example #2.2: \$92.50+

College student Amanda Wolf needed to get a voter ID in South Carolina in 2011.⁶² Ms. Wolf traveled to Vital Records to have her birth certificate changed because she was adopted, but she could not get it changed because she did not have a major credit card. She received *pro bono* support from a local judge to have the issue resolved.

Her cost for a South Carolina birth certificate is \$12, and her travel costs (at \$4 per trip) are \$8. The two hours traveling to and waiting at Vital Records (estimated at one hour travel and one waiting at minimum wage, \$7.25/hr) are worth \$14.50. Twice that time (4 hours) was spent traveling to and consulting an attorney (\$29), and a similar amount of time changing her birth certificate, for a total cost in time of \$72.50 (\$14.50 + \$29 + \$29).

She received *pro bono* legal assistance, which PBS estimated would otherwise have cost about \$1,800.⁶³ Consulting the South Carolina ACLU produces a figure of \$900: 5 hours of legal services at a minimum of \$150 per hour, plus a \$150 filing fee.⁶⁴ Further, a fingerprint scan, a criminal background check, and a screening from the Department of Social Services are required. A fingerprint scan costs \$5, a criminal background check costs \$25, and a screening from the Department of Social Services costs \$25.

Her total costs were \$12 for documents, \$8 for travel, and \$72.50 in time, for a total of **\$92.50**. If she had not been provided *pro bono* legal assistance, the 5 hours of legal services she needed would have cost a minimum of \$150/hr (using the ACLU's estimate), or \$750, plus \$205 in filing and other fees, for a total cost of \$1,047.50.

⁶² PBS, "Religion & Ethics NewsWeekly," Episode: "Voter ID," February 17, 2012, available at <http://video.pbs.org/video/2197962217/>. The Lawyers Committee for Civil Rights Under Law, *Think Getting "Free" ID Is Easy? Think Again!*, September 2012, <http://www.lawyerscommittee.org/page?id=0046>.

⁶³ PBS, "Religion & Ethics News Weekly" Episode: "Voter ID," February 17, 2012.

⁶⁴ According to a memorandum entitled "Getting a Court Ordered Name Change in S[outh] C[arolina]," Charleston, S.C., [July 22, 2011], by the ACLU of South Carolina, changing a birth certificate requires at least five hours of legal work, and an additional filing fee of \$150. According to South Carolina ACLU Legal Director Susan Dunn, in the absence of *pro bono* assistance, legal costs would be at least \$150 per hour. At \$150/hr, five hours costs \$750.

Example #2.3: \$99.75+

Voter Donna Suggs struggled to get a voter ID.⁶⁵ Because she did not have a birth certificate (since she was born by midwife), she needed legal assistance. She was provided with *pro bono* aid from an attorney to acquire the certificate. Then she traveled to the DMV to get a photo ID. The cost for a South Carolina birth certificate was \$12. Her estimated roundtrip public transportation costs (at \$2 each way) to the attorney's office were \$4 and to the DMV were about another \$4 for a total of \$8. She estimates having spent 4 hours consulting an attorney (including 1 hour travel time), 4 hours changing her birth certificate (assuming one hour travel, three waiting), and 3 hours traveling to and from and waiting at the DMV. At minimum wage of \$7.25 per hour, the 11 hours were worth \$79.75.

Her total costs were \$12 for documents, \$8 for travel, and \$79.75 in time, for a total of **\$99.75**. If she had not been provided *pro bono* legal assistance, she would have needed about 8 hours of legal services at a minimum of \$150/hr, or \$1200, plus a filing fee of \$150, totaling \$1,350.⁶⁶ This would have increased the cost of her “free” voter ID to **\$1,449.75**.

Table 3. South Carolina: Total Costs Range from \$92.50 to \$166.50

EXAMPLE	OUT OF POCKET COSTS (\$)			TIME AND LEGAL COSTS (\$)				TOTAL (\$)
	Document Costs	Travel Costs	Subtotal	Travel Time	Agency Time	Legal Aid/Fees	Subtotal	
#2.1 Birth certificate, public transportation	12.00	24.00	36.00	43.50	87.00	N/A	130.50	166.50
#2.2 Birth certificate, public transportation	12.00	8.00	20.00	72.50	N/A	(955.00)*	(1027.50)	(1047.50) 92.50
#2.3 Birth certificate, public transportation	12.00	8.00	20.00	79.75	N/A	(1350.00)	(1429.75)	(1449.75) 99.75

***Note: Figures in parentheses e.g. (\$1047.50) include the value of *pro bono* legal services**

⁶⁵ Lawyers' Committee for Civil Rights Under Law, "Think Getting "Free" ID Is Easy? Think Again!," PBS, "Religion & Ethics NewsWeekly" Episode: "Voter ID," February 17, 2012.

⁶⁶ According to a memorandum, "Getting a Certified Birth Certificate in South Carolina" by the ACLU of South Carolina, in 2011, acquiring a birth certificate for those who lack one requires at least eight hours of legal work, and an additional filing fee of \$150. According to South Carolina ACLU Legal Director Susan Dunn, in the absence of pro-bono assistance, legal costs would be at least \$150 per hour, or \$1200 for 8 hours.

TEXAS

The Texas examples use cost figures provided in the legislative debates and depositions of Senator Carlos Uresti (D-District 19). He stated that some of his constituents would need to travel from 163 to 176 miles roundtrip to request a voter ID at the closest office of the Texas Department of Public Safety (DPS). The examples include expenses for public transportation, when available, but travel by car is often required. Because those without a driver's license cannot legally operate a motor vehicle, the examples based on auto travel⁶⁷ include the costs of a hiring a driver.⁶⁸

Example #3.1: Ozona, Crocket County to San Angelo [163 miles]: \$79.26-\$290.25

For citizens in Ozona traveling to San Angelo for a voter ID, the document costs include a birth certificate at \$22. If a certified copy of a marriage license is needed it adds \$1 for the copy and an additional \$5 to be certified (\$28 total).

Traveling 163 miles roundtrip by public transportation is possible, but very difficult. From Ozona to San Angelo, there is one bus a day on the Kerrville Bus line and the trip takes 14 hours going and 9 hours returning because of a long layover in Sonora. The bus ticket costs \$74 non-refundable and \$81 refundable roundtrip. The travel time cost by bus would be 23 hours at \$7.25/hour, or \$166.75 total. The waiting time at the DPS would be 2 hours at \$7.25 or \$14.50. The total estimated **cost by bus** would be **\$284.25** (\$22 + \$81 + \$166.75 + \$14.50). The cost by bus would be **\$290.25** if a certified marriage license is needed.

Because travel by public transportation is so difficult and expensive, the most likely means to cover the 163 miles is by car. At 25 mpg with a gallon of gas locally costing \$3.77, the roundtrip fuel would cost \$24.58. To travel the 163 miles at 65 MPH takes 2.51 hours, so the cost in time at \$7.25/hr would be \$18.18. Then there is the time spent waiting and meeting at the Texas Department of Public Safety office (DPS). Assuming 2 hours spent there at \$7.25 an hour, there would be a further time cost of \$14.50.

⁶⁷ *Texas v. Holder* notes, "When the closest office is 100 to 125 miles away, even the most committed citizen... would agree that a 200 to 250 mile roundtrip especially for voters having no driver's license—constitutes a substantial burden" on the right to vote. Our own Federal Rules of Civil Practice...specify that witnesses are unavailable to testify if they must travel more than 100 miles to do so, See Fed R Civ P 45(c)3. *Texas v. Holder*, p. 47. In his July 12, 2012, deposition, Senator Uresti elaborated: "There are some towns in my district where the nearest DPS office is about a hundred to 125 miles, one way (p. 22). This district "is primarily on the southwest side of San Antonio...and extends all the way to El Paso, which ...is about a nine hour drive one way...It includes two-thirds of the Texas-Mexico border...the largest geographical Senate district in the Continental United States" (p. 9). In the January 25, 2011 Texas state senate debate, Senator Uresti noted, "My constituents in...Ozona, will have to travel 163 miles round trip to San Angelo to get to the nearest DPS office. And if you live in Sanderson...you will have to travel 170 miles round trip to get to Fort Stockton. If you live in Sierra Blanca...you have to travel 176 miles to get to El Paso in order to get to the DPS office" (Transcript, p. 74).

⁶⁸ While the examples include the costs for gas for travel and for hiring a driver, they do not include expenses for renting a vehicle if needed and significantly increasing the expense.

The total estimated **cost by car** (\$22 for documents, \$24.58 for gas, \$18.18 for travel time and \$14.50 for waiting time) would be **\$79.26** (*Ex. 3.1.3*). If a certified marriage license copy is needed it would be **\$85.26**.

Of course, someone without a driver's license cannot legally drive. For this reason there would be additional costs for that individual to find or hire a driver: The driver would take the same 4.51 hours for travel and waiting at the DPS. Valuing a driver's time at the state median wage of \$11.82/hour, there would be an additional time cost of \$53.28 for the driver. So the total **cost by car with driver** (but without marriage license) would be **\$132.45**. With the marriage license, it would cost **\$138.54**.

Example #3.2: Sanderson, Terrell County to Fort Stockton [170 miles]: \$77.96-\$146.80

The 170-mile trip from Sanderson to Fort Stockton would most easily be made by car because there is limited van service and there are no cabs in either community. In fact, because there is no bus service, it is not possible to travel by bus between Sanderson and Fort Stockton. The closest bus station to Sanderson is in Fort Stockton.⁶⁹

The document cost for a birth certificate is \$22 and for a certified marriage license is \$10. The travel cost by car for 170 miles at 25 mpg is the cost of 6.8 gallons of gas; or \$26.79 (at the local cost of \$3.94 per gallon). It takes about 2.615 hours to drive 170 miles round trip at 65 MPH, and an estimated 2 hours waiting at the DPS at minimum wage (\$7.25/hr). The time cost for the total of about 4.615 hours travel and waiting would be \$33.46. The total for the voter traveling by car would be documents at \$22.00, gas at \$26.79, and time at \$33.46, for a total of **\$82.25**. With a marriage license, it would be \$92.25.

Since by definition someone without a driver's license cannot drive legally, a driver would need to be found or hired and spend the same 4.6 hours or \$54.55 (at median wage of \$11.82/hr). The full costs for a "free" voter ID by car including the cost of a driver would be \$136.81 (without a marriage license) or \$146.81 including a marriage license.

It is possible to travel by a community van service called TRAX from Sanderson to Fort Stockton and back (booking the ride at least a day in advance). The total by TRAX would be the cost of the roundtrip fare, which is **\$22.50** for up to a 200 mile round trip. Because it is a shared van service, it could take more than the 1.31 hours one-way to make the 85-mile trip at 65 MPH. But using 2.615 hours for the roundtrip at \$7.25 per hour would have a time cost of \$18.96. Waiting time at DPS is

⁶⁹ Senator Uresti's testimony indicated a distance of 170 miles roundtrip or 85 miles each way, but Google Maps indicates the distance to be 65.4 miles each way (130.8 miles roundtrip). The difference of about 40 miles would not affect the cost of TRAX van service, which is the same for any trip under 200 miles, but might slightly reduce the time costs (35 miles less of travel would save about half an hour in time). Staff members at Senator Uresti's office indicated they determined distances using Google Maps to calculate the miles between the local DPS office and the county courthouse; for counties that were too small to have a county seat, they used the distance between the nearest (but not close) DPS office and the city hall office (Senator Carlos Uresti's Office, personal communication, February 11, 2013). Gas prices were obtained for the local area by fall 2012 web search.

assumed to be 2 hours at \$7.25/hr, or \$14.50. So the total would be \$22 for documents, \$22.50 in travel cost for the van, \$18.96 for 2.615 hours of travel, and \$14.50 for 2 hours of waiting (\$33.46), for a total of **\$77.96** (or **\$87.96** with marriage license at \$10 (Ex. 3.2.6)).

Example #3.3: Sierra Blanca, Hudspeth County to El Paso [176 miles]: \$82.76-\$360.09

For citizens in Sierra Blanca traveling to El Paso for a voter ID, the document costs include a birth certificate at \$22. If a marriage license is needed, a certified copy costs \$10, which would bring the potential total cost for documents to \$32.00. The travel cost by car for 176 miles at 25 mpg is the cost of 7.04 gallons of gas at \$3.79 (local rate) or \$26.68.

The time cost of traveling 176 miles roundtrip (at 65 MPH) is 2.71 hours at \$7.25/hr, or \$19.63 total. The estimated time spent at the DPS would be 2 hours at \$7.25/hr, or \$14.50 total. The total estimated **cost by car** would be **\$82.81** (\$22 + \$26.68 + \$19.63 + \$14.50). With a marriage license (\$10), it would be \$92.81.

Again, someone without a license would need a driver whose time of 4.71 hours at median wage of \$11.82 would cost another \$54.64. The **total cost with a driver** would be at least **\$138.46** (\$82.81 + \$55.64) (and **\$148.46** with a marriage license) (Ex. 3.3.6).

It is not possible to travel by regularly scheduled public transportation because there is no bus service from Sierra Blanca to El Paso.⁷⁰ The closest service is Greyhound in Van Horn, Texas, 30 miles away. The roundtrip ticket from Van Horn to El Paso is \$74 nonrefundable, or \$84 refundable. The trip takes 2 hours each way, so 4 hours of time cost at \$7.25/hr is \$29.00 in time. A cab for the half hour drive from Van Horn to Sierra Blanca is about \$60 each way and takes half an hour, equaling \$120 in fare and an hour in travel time (\$7.25).

So the total time cost for traveling by bus and cab is five hours, or \$36.25. The time spent at DPS is about two hours at \$7.25/hr, or \$14.50. The total time cost is seven hours, or \$50.75. Thus, the total estimated **cost without a car** (\$22.00 + \$84.00 + \$120.00 + \$50.75) is **\$276.75** (with marriage certificate, \$286.75).

There is also a shuttle service (**Amigo Shuttle**) from Sierra Blanca to El Paso Airport, which costs \$1.60 per mile. It is about 80 miles between Sierra Blanca and the El Paso Airport (as opposed to downtown El Paso). At \$1.60/mi the trip would cost \$128.00 each way (\$256.00 round trip). But to get from the Airport downtown, there is an additional 7.8 miles to the El Paso DPS office (\$12.48 each way; \$24.96 roundtrip). For the total trip from Sierra Blanca to a DPS office using the **Amigo shuttle**, the **transportation cost** is **\$280.96** (\$256 + \$24.96).

⁷⁰ Bus information available at Greyhound.com. Shuttle information from www.amigoshuttle.info.

The travel time by shuttle is estimated at about 2 hours each way. There would be additional time traveling from the El Paso airport to the DPS of about 15 minutes each way. The total time spent traveling would be about 4½ hours. Calculated at the minimum wage of \$7.25/hr, this time is worth \$32.63. In addition, the time spent at the DPS would be another 2 hours at \$7.25/hr, or \$14.50. Total travel and agency time is 6 ½ hours, or \$47.13.

In short, the total estimated **costs by shuttle** would be: \$22.00 for documents, \$256.00 for van service, \$24.96 for local travel from airport to DPS, \$32.63 of travel time, and \$14.50 of waiting time, for a total of **\$350.09**. With a marriage license, the total would be **\$360.09**.

Table 4. Texas: Select Examples: \$87.96 to \$169.78

EXAMPLE	OUT OF POCKET COSTS (\$)			TIME COSTS (\$)				TOTAL (\$)
	Document Costs	Travel Costs	Subtotal	Travel Time	Agency Time	Driver Time	Subtotal	
#3.1.3 Birth certificate, car, minimum wage	22.00	24.58	46.58	18.18	14.50	N/A	32.68	79.26
#3.2.6 Birth certificate + marriage certificate, TRAX bus, minimum wage	32.00	22.50	54.50	18.96	14.50	N/A	33.46	87.96
#3.3.6 Birth certificate + marriage certificate, car + driver, minimum wage	32.00	26.68	58.68	19.63	14.50	55.64	89.78	148.46

For complete list of Texas examples, see Appendix III, Table 6.

The Bottom Line: High Costs of a “Free” Photo Voter ID

The examples in this report demonstrate how obtaining a “free” photo voter identification card can impose significant costs on individuals—typically from about \$75 to \$175. Examples detailed in this report and Appendix I show that the cost of “free” voter IDs can rise beyond \$1,500 or more, particularly when legal services are required. “Free” voter IDs are expensive. They constitute both a “time tax” on people’s lives and livelihoods, and a “poll tax” on their pocketbooks and voting rights.⁷¹ The complicated nature of the examples above underscores the complexity of the process of figuring out and responding to bureaucratic requirements as a modern day “literacy test” and the extent of planning and resources that are necessary to get an official ID to cast a simple ballot.

In a 2012 speech to the NAACP, Attorney General Eric Holder “inveighed against the practice. ‘Many of those without I.D.s would have to travel great distances to get them—and some would struggle to pay for the documents they might need to obtain them,’ he said. ‘We call those poll taxes.’” Further, Holder noted, “In 2013, there is still a factual basis for us to conclude that these attempts at photo-identification laws to combat nonexistent fraud are racially based, or, certainly, have a racial impact.”⁷²

For citizens, especially the elderly who have voted for many years and minorities who fought hard for the right, and prefer to vote in person, these new requirements pose significant indignities and burdens. Furthermore, as other South Carolina and Pennsylvania examples demonstrate, some voters cannot obtain for long periods, or cannot afford or obtain at all, the needed documents such as birth certificates or name change rulings. Therefore these voters cannot qualify for “free” voter IDs, and cannot vote. In short, they lose their electoral rights.

For instance, an unemployed Columbia, SC, resident could not afford the \$750 needed to petition the court to change her birth certificate (South Carolina Example 2.4, Appendix II). An expert report by Pennsylvania attorney Michele Levy notes an individual for whom “[m]ore than 2½ years have passed since this young woman first secured legal representation to obtain her birth certificate and she still does not have it.”⁷³ Another expert, Veronica Ludt, notes that “problematic cases” (5.7 percent of clients) “have not been able to obtain legal ID.... Three clients have discontinued their efforts to obtain ID.”⁷⁴ In short, voter ID requirements mean these voters have paid the ultimate civic price in the loss of their right to vote.⁷⁵

The costs to all the voters in a large state like Texas could range up to \$85 million dollars for “free” IDs. Nationally for the 21 states with voter ID laws, the expenses for “free” voter IDs could cost generally lower income eligible voters half a billion dollars.⁷⁶ This is a substantial economic expense to poorer citizens that would impoverish our democracy.

⁷² Toobin, *New Yorker*, February 17 & 24, 2014, pp. 45-46.

⁷³ Michele Levy, “Expert Report of Michele Levy,” Homeless Advocacy Project, July 16, 2012, p. 8, <http://pilcop.org/wp-content/uploads/2012/05/Voter-ID-expert-report-michele-levy.pdf>.

⁷⁴ Levy, July 16, 2012, p. 2. The problem in getting a birth certificate can be especially acute for those born in Puerto Rico. “Puerto Rico is another especially problematic jurisdiction in terms of responding to birth record requests and follow-up inquiries” because on September 29, 2010, Puerto Rico “declared all previously issued birth certificates null and void.” “Despite repeated phone calls...27 [of 133 Puerto Rican] birth certificates applications remain outstanding” (Levy Report, 2012, p. 6). The mass cancellation of birth certificates creates constitutional problems for birthright citizenship of a central minority of American citizens.

⁷⁵ The “Expert Report of Veronica Ludt,” of Face to Face in Philadelphia, July 15, 2012, p. 7, concludes, “Many indigent people are ill-equipped to advocate for themselves should problems arise in obtaining legal ID. Most of my clients have not finished high school and have inadequate reading and comprehension skills, which is not uncommon among indigent people. The letters explaining the requirements for creating a delayed birth record are several pages long and can be confusing. Some of the clinic’s volunteers, who include lawyers, have been confused when handling these cases. Less educated people often lack the skills to advocate for themselves with governmental authorities as evidenced by my client’s failure to ask for a supervisor when he was confronted with the false accusation made by a Penn DOT clerk.” <http://pilcop.org/wp-content/uploads/2012/05/Voter-ID-Expert-Report-Veronica-Ludt.pdf>

⁷⁶ The average for the three Pennsylvania voters is \$137.50, roughly 10 times the cost in today’s dollar of the outlawed poll taxes (see note 4 above as \$11.27). The total cost to all voters to get “free” voter ID is substantial. *Applewhite v. Pennsylvania* “credits

Moreover, voter ID laws require voting and civil rights organizations to divert and deplete resources from their core mission of facilitating and encouraging voter registration and voting, to informing and assisting people in getting official documents and IDs, or litigating the constitutionality of the laws. As the Pennsylvania Commonwealth court noted pointedly, “The Voter ID Law, and . . . ever-changing implementation [requirements] caused [voting rights organizations] to divert scarce resources from their core missions (voter registration and encouraging full participation by citizens in elections) to other efforts...[R]epeated alteration of the prerequisites to obtaining complaint IDs caused Organizational Petitioners...to *waste*, not merely divert resources to perform its voter education efforts that are crucial to its mission.”⁷⁷ The magnitude of these diversions gave these organizations, like individual voters, the standing to challenge the voter ID laws in Indiana and Pennsylvania.

Even with state agency websites available and states conducting outreach campaigns, the information for voters on how to obtain a “free” voter ID is often hard to find, incomplete and even misleading. This may be as basic as no one answering the phone, long wait times on hold and in line, or an ill-informed clerk. It can be complicated by the offices only being open for limited hours or days, and particularly difficult for those with handicaps. The rules can be extremely confusing, as was the case in Pennsylvania in 2012 when the court enjoined the requirement to show voter ID at the polls yet let the state advertise that voter IDs were still required. This confusion adds to the costs to voters trying to maneuver through the bureaucratic requirements for a “free” ID.

IV. Additional Expenses for States and Taxpayers

In addition to the costs to individual voters of obtaining “free” voter ID cards, the voter ID requirements create major new expenses for the states. These include voter outreach and public instruction campaigns to tell citizens that they need government IDs and how to get them, training of office staff, poll workers, and election judges, administrative expenses, and provisional ballot costs. These “outreach” efforts, as incomplete and confusing as they may be, cost state agencies significant amounts of taxpayer monies. Perhaps most expensive are the litigation costs the states

[the] estimate” that 320,000 to 400,000 registered Pennsylvania voters lacked complaint IDs (p. 9). <http://moritzlaw.osu.edu/electionlaw/litigation/documents/1-17-14opinion.pdf>. Using the average above for 3 Pennsylvania voters of \$137.50 applied to each state voter without an ID, the aggregate cost to the lower figure of 320,000 voters to get an official ID would be \$44,000,000. In Texas, the District Court decision (8/30/12, p. 6) reported a Texas state estimate of 795,955 registered voters without a driver’s license (experts estimated up to 1.893 million such voters without IDs (7/12/12). Using the lower figure of 795,955 Texas voters without IDs and an average cost from the 3 Texas examples above of \$105.23, the total cost for Texans to get “free” voter IDs would be \$83,755,691. The total cost for voters in the two states to get photo ID would be \$127,755,691 (\$44,000,000 + \$83,755,691). In 2012, the total population of Texas (26.1 million) and Pennsylvania (12.7 million) was 38.8 million. The total population of the 21 states with voter ID laws was 143.8 million. Calculating the total cost for voters to get “free” IDs in the 21 states as proportional to population, the national total would be (143.8 million/38.8 million=3.706 x \$127,755,691), or, \$473,486,300, nearly half a billion dollars. Using the larger tables 6 (PA, 10 examples), Table 7 (SC, 4) and Table 8 (TX, 30) examples produces the average costs for a “free” voter ID of \$173.55 (TX), \$144.85 (SC, \$474.85 with legal costs), and \$89.69 (SC, \$825.56 with legal costs). These are consistent with the averages for the 3 states (e.g. \$137.50 for Pennsylvania and \$105.23 for Texas), used in the examples in this note.

⁷⁷ *Applewhite v. Pennsylvania*, 330 MD 2012, pp. 15-16 (emphasis in the original).

incur for defending the voter ID laws in the courts. Studies have estimated these total costs can be as high as \$78 million per state, which will be borne by the taxpayers.⁷⁸ Together these costs impose significant expenses on states already facing large budget deficits.

The range of costs to states for providing “free” IDs range from \$1.3 million in Indiana just for the actual cards⁷⁹ to an estimated high of \$78 million in Texas for the full implementation and outreach programs.⁸⁰ Moreover, the litigation expenses for defending voter ID legislation and rules add significant expenses on state governments and taxpayers in those states passing voter ID laws.

As Table 5 shows, in Pennsylvania the estimated state costs of providing “free” voter IDs range from \$15.75 million to \$47.26 million (PA budget deficit was \$4.2 billion for FY12).⁸¹ For South Carolina the estimates range from \$5.9 million to \$17.7 million (SC deficit of \$877 million). And for Texas the estimates range from \$26 million to \$78 million (TX deficit of \$13.4 billion).⁸² This totals between \$47.72 million and \$143.18 million just for these three states alone. Extrapolated to the rest of the 21 voter ID states, it could easily approach another half billion dollars in costs to the state governments for providing “free” voter IDs.⁸³

In imposing further costs on states, taxpayers and voters,⁸⁴ as Table 5 also shows, the costs per alleged case of voter fraud range from at least \$2,950,000 for South Carolina (assuming one case,

⁷⁸ The Voting Rights Institute, *The Real Cost of Photo ID*, available at http://assets.democrats.org/pdfs/photoID/Dems-report-real_cost_of_voting_ID.pdf and “What’s Wrong with This Picture?” Advancement Project, April 2011, available online at: <http://www.advancementproject.org/resources/entry/whats-wrong-with-this-picture-new-photo-id-proposals-part-of-national-push>. The high estimate of \$113.5 million is for California which currently does not have a photo voter ID law. The estimate for Minnesota was \$84 million, though the proposed constitutional change was defeated.

⁷⁹ National Conference for State Legislatures, *The Canvass*, No. XVII, February 2011, p. 2. Indiana also lost \$2.2 million in revenue for what the state might have charged if it were constitutional to impose a fee for voter IDs.

⁸⁰ The estimates ranged to \$84 million in Minnesota under a proposed change in its constitution defeated in a 2012 referendum. Nicholas Anhut, et al, *Voter Identification: The True Cost, An Analysis of Minnesota’s Voter Identification Amendment*, The Hubert H. Humphrey School of Public Affairs, University of Minnesota, April 20, 2012. http://conservancy.umn.edu/bitstream/123582/1/Anhut_Voter%20Identification%20The%20True%20Costs%20An%20Analysis%20of%20Minnesotas%20Voter%20Identification%20Amendment.pdf

⁸¹ The range of estimates for cost of “free” voters IDs per registered voter translates into \$2 to \$6 in Pennsylvania (for 8.8 million registered voters); \$3 to \$6 per voter in South Carolina (for 2.6 million voters); and \$2 to \$6 for Texas (for 13.6 million voters).

⁸² See, for example, Nicholas Anhut, et al, *Voter Identification: The True Cost, An Analysis of Minnesota’s Voter Identification Amendment*, The Hubert H. Humphrey School of Public Affairs, The University of Minnesota, April 20, 2012, http://conservancy.umn.edu/bitstream/123582/1/Anhut_Voter%20Identification%20The%20True%20Costs%20An%20Analysis%20of%20Minnesotas%20Voter%20Identification%20Amendment.pdf; “What’s Wrong With This Picture?” Advancement Project, April 2011, <http://www.advancementproject.org/resources/entry/whats-wrong-with-this-picture-new-photo-id-proposals-part-of-national-push>; Voting Rights Institute, “The Real Cost of Photo ID: An Unnecessary, Expensive, and Intrusive Voter Restriction in a Time of Fiscal Crisis,” 2010, http://assets.democrats.org/pdfs/photoID/Dems-report-real_cost_of_voting_ID.pdf.

⁸³ See note 74 for the extrapolating costs to voters seeking IDs in Pennsylvania, South Carolina and Texas to the rest of the 21 voter ID states of almost half a billion dollars. The total for the 3 state governments in Table 5 of between \$47.72 and \$143.18 million can be extrapolated to the rest of the country by the same population factor of (143.8 million/38.8 million=3.706) to produce total costs to 21 state governments of about \$176.86 to \$530.65 million.) Using the figure from the VRI table (see note 85) for the 14 of 21 voter ID states included produces estimates of \$107.92 to \$320.93 million for state government voter ID costs. Extrapolating to 21 states (by multiplying by 1.5) produces similar estimates of \$161.88 to \$481.40 million: a conservative estimate would be a cost of \$250 million to the 21 voter ID states. Combining the estimate of about half a billion dollar of costs to individuals and quarter billion to the state governments, the total approaches \$1 billion for “free” voter IDs. This does not include the resources diverted from civil and voting rights organizations to help people get voter IDs.

⁸⁴ Litigation in South Carolina to defend the state’s Voter ID law could cost over \$1,000,000. Renee Dudley, “State’s lawsuit over voter ID could cost more than \$1 million,” *The Post and Courier*, Charleston, S.C., March 23, 2012,

though there were none) to \$7,875,000 in Pennsylvania (where there was one). These expenses create further costs to citizens and governments imposed by “free” voter IDs. In short, there are substantial costs to both individuals and states from requiring and providing “free” photo voter IDs.⁸⁵

Table 5. Cost and Instances of Alleged Voter Fraud:

STATE	DEFICIT FISCAL YEAR 2012	LOW COST ESTIMATE of Voter ID Program (For first 4 yrs) ⁸⁶	HIGH COST ESTIMATE of Voter ID Program (For first 4 yrs) ⁸⁷	NUMBER OF CASES of Alleged In-Person Voter Fraud in 2012 ⁸⁸	ESTIMATED COST TO STATE per Alleged Case of Voter Fraud ⁸⁹
Pennsylvania	\$4.2 billion	\$15.75 million	\$47.26 million	1	\$7,875,000
South Carolina	\$.877 billion	\$5.90 million	\$17.70 million	0	\$2,950,000 ⁹⁰
Texas	\$13.4 billion	\$26.07 million	\$78.22 million	3	\$4,435,000

Conclusion: There is No Such Thing as a “Free” Voter ID

After the Supreme Court’s 2013 *Shelby* decision struck down Section 4 (coverage formula) of the Voting Rights Act, and effectively suspended Section 5 (preclearance), the Justice Department no

<http://www.postandcourier.com/article/20120129/PC1602/301299971>. Providing IDs will cost Pennsylvania \$4.3 million, while the state’s public instruction campaign will cost between \$5 and \$11 million. Kelly Phillips Erb, “Taxpayers Spend Millions on New Voter ID Laws,” *Forbes*, March 26, 2012, <http://www.forbes.com/sites/kellyphillipserb/2012/03/26/taxpayers-spend-millions-on-new-voter-id-laws/>. Estimated costs of Minnesota Voter ID Law were \$36 to \$84 million according to Citizens for Election Integrity Minnesota. The Minnesota Management and Budget Office estimated a previously vetoed voter ID law would have a cost of \$32 million for the state and \$24 million for counties. Tim Pugmire, “Voter ID implementation costs in dispute,” MPR News, September 13, 2012, <http://minnesota.publicradio.org/display/web/2012/09/13/politics/supporters-opponents-voter-id-requirement-cost-disagreement/>. Even the pro-voter-ID law group Protect My Vote estimates costs to the state of Minnesota for their voter ID law will be \$10 to \$40 million. City Hall Scoop, “Rybak, Mansky call voter I.D. too pricey to bear,” TwinCities.com, August 20, 2012, <http://blogs.twincities.com/cityhallscoop/2012/08/20/coleman-rybak-mansky-call-voter-i-d-too-pricey-to-bear/>. The Democratic Voting Rights Institute estimates \$15.75 to \$47.26 million for Pennsylvania. The Voting Rights Institute, *The Real Cost of Photo ID*, available at http://assets.democrats.org/pdfs/photoID/Dems-report-real_cost_of_voting_ID.pdf.

⁸⁵ Because it takes time for every voter to show and an official to verify each voter ID and compare the ID to the polling list, the additional time for waiting in line can translate into not voting for those who decide not wait in line to vote. Similarly, many will not join the line at polling places because the estimated wait seems too long. The costs to candidates and to democracy for a voter not being able to vote for lack of photo ID or for leaving a line because of the additional waiting time caused by checking voter IDs are also expenses to the political system that need to be evaluated under queueing theory. See:

http://www.eventhelix.com/realtimemantra/congestioncontrol/queueing_theory.htm.

⁸⁶ The Voting Rights Institute, *The Real Cost of Photo ID*, available at http://assets.democrats.org/pdfs/photoID/Dems-report-real_cost_of_voting_ID.pdf.

⁸⁷ Id.

⁸⁸ <http://votingrights.news21.com/interactive/election-fraud-database/> See notes 15 and 16 above for details on numbers of alleged cases of in-person voter fraud.

⁸⁹ Based on federal elections occurring once every two years, the estimate is calculated by taking one half of the low cost estimate for the first four year cost, and dividing it by the number of cases of alleged voter fraud which occurred in the state in 2012. Table 5 provides details for “Costs and Instances of Alleged Voter Fraud,” in Pennsylvania, South Carolina, and Texas.

⁹⁰ Although the News21 investigation found no reported cases of in-person voter fraud in South Carolina, the analysis assumes for Table 5 one case for calculating the cost per case of \$2,950,000.

longer had the automatic power to review and block proposed changes to voting procedures in nine states and additional jurisdictions, including South Carolina and Texas.⁹¹ In fact, immediately after *Shelby* was handed down, the Texas attorney general announced plans and began to implement its voter ID law.⁹² On July 25, 2013, North Carolina passed a strict voter ID law.

Even in the face of *Shelby*, the ongoing availability of Section 2 anti-discrimination suits and a Section 3 “bail-in” strategies provide the bases for the Justice Department or voting rights organizations to ask the courts to reinstate the requirement to obtain pre-clearance in cases of purposive discrimination. In fact, the DOJ filed suit in summer 2013 under Section 2 and Section 3 against both the Texas and North Carolina voter ID laws.

In continuing to pursue voting rights, Attorney General Eric Holder indicated he is “resolved to oppose any attempts to...try to make it more difficult for people to exercise the most fundamental American right, which is the right to vote.”⁹³ In support of the case for continuing preclearance under the Voting Rights Act, he noted that “if people didn’t believe that [it was still needed], you only have to see what the states did after Shelby County.”

Moreover, Congress could amend the Section 4 coverage formula in a way to revitalize Section 5 pre-clearance as a statutory basis for challenging voter ID laws.⁹⁴ Yet, *Shelby* makes it all the more important that the public, legislators, and judges fully understand the burdens, such as the costs of documents and travel, that requirements to obtain “free” identification cards impose on citizens to exercise their right to vote. There is no “free” voter ID. State or federal laws that require photo voter IDs undermine the franchise.

Indeed, even if voter IDs were actually “free,” the requirement to provide official photo voter IDs abridges the freedom of American citizens to exercise their fundamental right to vote. This is because, as the Wisconsin decision well articulates, requiring government photo identification in order to exercise fundamental rights shifts the burden from the government to facilitate democracy

⁹¹ But see Travis Crum, *The Voting Rights Act's Secret Weapon: Pocket Trigger Litigation and Dynamic Preclearance*, 119 *Yale L.J.* 1992 (2010) for possible use of Section 3 (“bail-in”) of the Voting Rights Act to accomplish the goals of preclearance. The Justice Department filed challenges under Section 2 and Section 3 to Texas and North Carolina voter ID laws in *United States v. Texas* (August 22, 2013) and *United States v. North Carolina* (September 30, 2013). <http://www.yalelawjournal.org/note/the-voting-rights-acts-secret-weapon-pocket-trigger-litigation-and-dynamic-preclearance>

⁹² Todd Gilliam, “Texas voter ID law ‘will take effect immediately,’ says Attorney General Greg Abbott,” *Dallas Morning News*, June 25, 2013. <http://trailblazersblog.dallasnews.com/2013/06/texas-voter-id-law-could-start-now-attorney-general-greg-abbott.html/> Ironically, the Texas attorney general was almost disenfranchised in November 2013 when his name at the polls did not match his driver’s license. Aviva Shen, “Texas Attorney General Almost Disenfranchised By His Own Voter ID Law.” November 1, 2013, <http://thinkprogress.org/JUSTICE/2013/11/01/2875901/TEXAS-VOTER-ABBOTT-AFFIDAVIT/>

⁹³ Jeffrey Toobin, “Holder V. Roberts, The Attorney General makes voting rights the test case of his tenure,” *The New Yorker*, February 17 & 20, 2014, pp. 42-49.

⁹⁴ Unfortunately, the proposed bi-partisan bill would only cover 4 of the 9 states previously under preclearance requirements, and it would not include North or South Carolina. Moreover, it proposes to exempt voter ID laws from preclearance requirements. http://www.slate.com/blogs/weigel/2014/01/16/the_new_voting_rights_act_fix_would_protect_voter_id_laws_so_should_liberals.html ; <http://thinkprogress.org/justice/2014/01/16/3174831/good-bad-ugly-bipartisan-restore-voting-rights-act/> As an Illinois Senator, Barack Obama proposed a resolution opposing voter ID laws, that “any effort to impose photo identification requirements for voting should be rejected.” <https://www.govtrack.us/congress/bills/109/sconres53/text>

and inverts the proper democratic relationship from consent of the governed to permission of the government to exercise the right to vote.⁹⁵

The investigation here also provides the basis for reconsidering the constitutionality of voter ID laws in both facial and as-applied challenges. The Missouri Supreme Court in *Weinschenk v. State of Missouri* struck down their law on both a facial and as-applied basis. The Wisconsin appellate decision in *League of Women Voters v. Walker* (2013) indicated that facial challenges might apply under that state constitution with evidence of a “restriction that is on its face so burdensome that it effectively denies potential voters their right to vote, and is therefore constitutionally ‘unreasonable.’”⁹⁶

In fact, the appellate Commonwealth Court of Pennsylvania found the law violated the Pennsylvania Constitution under the standard that when “a ‘substantial number’ of its applications are unconstitutional”⁹⁷ then the state’s “Voter ID Law is facially unconstitutional.”⁹⁸ The court further noted that “the disenfranchisement of even one person validly exercising this right to vote is an extremely serious matter.”⁹⁹ Voter ID laws are likely to disenfranchise many times more voters than they might deter from improperly voting.

Moreover, Missouri, Wisconsin and Pennsylvania courts found that the burdens that ID laws impose constituted facial unconstitutionality under their state constitutions that make voting rights fundamental. Other state constitutions’ stronger protections also provide this possibility.¹⁰⁰ Moreover, the *Cranford* plurality left open federally the “as-applied” approach based on additional investigations and evidence of burdens and abridgements of voting rights. With the clearer evidence of burdens on individuals that the Pennsylvania, Wisconsin and other case provide, as Judge Posner’s reconsideration calls for, a facial challenge might be more successful now.

To put it simply, like the proverbial “free lunch,” there is no “free” voter ID. And its costs are likely to cause many voters to have to forego meals. Typical costs to voters in the three states studied ranging from about \$75 to \$175, may, with legal fees, exceed \$1,500. This is roughly five to 15 times the current value (\$11.27) of the \$1.50 poll tax outlawed by the 24th amendment. While voter

⁹⁵ For discussions of inversions of democratic relationships, see note 27 *supra*, *League of Women Voters of Wisconsin v. Walker*, (Case 2012AP584), at 2. See also Richard Sobel and John Fennel, “Troubles with Hiibel: How the Court Inverted the Relationship between Citizens and the State,” 48 S. Tex. L. Rev. 613, Spring, 2007. In a different context, see Justice Sotomayor’s concerns in *UNITED STATES v. JONES* (615 F. 3d 544) that technological impositions, may “alter the relationship between citizen and government in a way that is inimical to democratic society.” *United States v. Cuevas-Perez*, 640 F. 3d 272, 285 (CA7 2011) (Flaum, J., concurring).

⁹⁶ *League of Women Voters of Wisconsin, et al. vs. Walker et al.*, (834 N.W.2d 393, at 396). May 30, 2013.

⁹⁷ *Applewhite et al v. Commonwealth of Pennsylvania, et al.* 330 MD 2012, January 17, 2014, pp. 33.

⁹⁸ *Id.* p. 35.

⁹⁹ *Perles v. Cnty. Return Bd. of Northumberland Cnty.*, 415 Pa.154, 202 A.2d 538 (1964), as cited in *Applewhite v. Pennsylvania*, Appendix B, Conclusion of Law, p. 6, No. 42.

¹⁰⁰ See Agraharkar Vishal, et al. “The Cost of Voter ID Laws: What the Courts Say,” note 22, for prospects under stronger voting rights protections in state constitutions. See also their critique, similar to Judge Posner’s, that the “Court said its decision was largely compelled by the fact that the scant record put before it did not have sufficient evidence of the burdens the law would impose on others to justify striking down the law. A future lawsuit with a more developed factual record may lead to a different result” (p. 3).

identification laws are purportedly “race neutral,” their impact disproportionately affects individuals of color who do not have driver licenses or passports. The laws also burden other vulnerable populations, including the poor and elderly, least able to bear the costs. Married or divorced women face an added burden when they have to purchase a copy of their marriage license as proof of a name change.

The voter ID laws also burden voting and civil rights organizations that have to divert resources from voter registration and voting mobilization to implementing voter ID requirements. These additional burdens provide further bases for further facial and applied challenges to voter ID laws.

The costs of requiring voter IDs also burden state budgets and taxpayers. The potential expenses for cash-strapped states from Indiana to Texas for providing “free” voter IDs ranged from Indiana’s \$1.3 million for cards to \$78 million for the entire system in Texas.¹⁰¹ Outreach, training, and litigation costs to defend these restrictive laws add tens of millions of dollars to already burdened state budgets.

The expenses for documentation, travel, and waiting time generally ranging from about \$75 to \$175 per ID (with legal fees, up to \$1,500) represent far greater costs than the \$1.50 poll tax outlawed in 1964 by the 24th amendment.¹⁰² Aggregating the overall costs to individuals in specific voter ID states and all those states nationally, plus the cost to voting rights organizations for assisting voters, as well as the expenses to state governments for providing “free” ID, the expenses can reach beyond several \$100s of millions nationally.

Considering the long history of voting restrictions and the struggle to expand the fundamental franchise in the United States, any photo identification requirement could only be justified by irrefutable evidence of a serious problem with voter fraud. However, no such evidence exists. In fact, imposing voter identification requirements as a response to alleged in-person voter fraud has frequently been called “a solution in search of a problem.”¹⁰³

The voter ID laws become even more suspicious when viewed alongside the host of other questionable electoral practices and strategies that have been used by political and racial partisans over U.S. history to give themselves an unfair advantage. These include long-discredited poll taxes and literacy tests and purging voter rolls, to more recent restricting voter registration drives,

¹⁰¹ Voting Rights Institute, “The Real Cost of Photo ID: An Unnecessary, Expensive, and Intrusive Voter Restriction in a Time of Fiscal Crisis,” 2010, http://assets.democrats.org/pdfs/photoID/Dems-report-real_cost_of_voting_ID.pdf

¹⁰² The dollar value of \$11.27 is about a tenth the average cost of a voter ID at \$75 to \$175. Drew Desilver, “Anti-Pox Tax Amendment is 50 years old today,” Pew Research Center, January 23, 2014.

¹⁰³ See “Voter ID Rules: A Solution in Search of a Problem,” editorial in *The Washington Post*, March 12, 2012, available online at: http://articles.washingtonpost.com/2012-03-12/opinions/35449330_1_voter-id-rules-discriminates-against-minority-voters-hispanic-voters

See Sahil Kapur, “Holder’s Move against Texas Could Send the Voting Rights Act Back to the Supreme Court,”

Talkingpointmemo.com, July 25, 2013. <http://tpmdc.talkingpointsmemo.com/2013/07/holder-texas-voting-rights-act-supreme-court.php>

reducing early voting opportunities and other forms that diminish the franchise¹⁰⁴ and reversing the long pursued goal of electoral inclusion. The rarity of in-person vote fraud—it is less likely than being struck by lightning—also raises questions about the purposes of the voter ID laws that have become lightning rods for political debate.¹⁰⁵

In light of the 24th Amendment’s prohibitions since 1964 of “any poll tax or other tax,” and the 1965 Voting Rights Act’s prohibition of “tests and devices,” the costs and complexities of getting a government photo ID raise anew issues of constitutionality and bureaucratic devices for disenfranchisement. After the striking down of Section 4 of the Voting Rights Act, investigations of the burdens voter IDs impose--such as those provided in this report--create the bases for litigation challenges under Sections 2 and Section 3 as well as state and federal facial and “as-applied” constitutional challenges to voter ID impediments to the electoral franchise.¹⁰⁶ The calculations of those burdens on specific plaintiffs provide the evidence that judges and juries need to rule that photo voter ID laws unconstitutionally abridge and deprive the right to vote.

As Attorney General Holder noted recently, “This comes down...to a fundamental question of who we are...as a people...The history of this nation has always been to try to expand the franchisee. Whether its freed slaves, women, young people, we’ve always found ways to make it easier to vote...to ma[ke]the voting process more inclusive. What [the proponents of voter IDs] are intending to do, or certainly the impact of what they’re going to do, is to turn their backs on that history. To turn our backs on that history is inconsistent with who we say we are as a nation.”¹⁰⁷

At the end of the day, getting even a supposedly “free” voter ID involves unnecessary and burdensome requirements and expenses that deprive many citizens of their fundamental right to vote. “Free” voter IDs impose costs our democracy cannot bear. Voter IDs—“free” or not—abridge and burden for far too many people their right to vote. Rather than spending more money, time and other resources on official IDs, our one nation indivisible instead needs to invest resources in enlightening our politics by fostering fuller electoral participation for all of the people.

¹⁰⁴ On July 25, 2013, North Carolina passed a strict voter ID law. See Politics 365, “Strict North Carolina voter ID law passes, DOJ could review law,” July 28, 2013. <http://politic365.com/2013/07/28/strict-north-carolina-voter-id-law-passes-doj-could-review-law/> The Justice Department filed challenges under Section 2 and Section 3 to the North Carolina voter ID law in *United States v. North Carolina* on September 30, 2013.

¹⁰⁵ See Bentele and O’Brien, “Jim Crow 2.0?,” that “Our findings call such assertions [that Section 5 is outdated] into question and more broadly suggest that challenges to the implementation and passage of restrictive access legislation are merited on the grounds of racial bias” (2013, p.1104). “Like felony disenfranchisement, means-tested social welfare programs, and restrict-access legislation... recent passage of restrictive voter policies is an important prong in a broader suite of politics expanding a form of conditional and exclusionary American citizenship. In silent concert these policies work to undermine democratic voice for the most vulnerable.” (p. 1106) The authors conclude that voter ID laws are a sort of “surge protection” against first time voter mobilization in a “new Southern strategy” of “frontlash” (p. 1104).

¹⁰⁶ Section 2 of the 14th Amendment also provides a basis for challenging electoral discrimination by reducing states’ representation in Congress. See Robert Ellis and Richard Sobel, “Voter-ID Laws Discourage Participation, Particularly among Minorities, and Trigger a Constitutional Remedy in Lost Representation,” in *PS: Politics and Policy*, January 2009, at https://depot.northwestern.edu/jkh348/public_html/smith_sobel2009_02.pdf and Akhil Amar, *America’s Unwritten Constitution*, pp. 187-91. See also Franita Tolson, “The Constitutional Structure of Voting Rights Enforcement,” 89 *Washington Law Review*, forthcoming 2014).

¹⁰⁷ Toobin, “Holder v. Roberts,” *New Yorker*, February 17 & 24, 2014, p. 49.

Appendix I, Detailed Estimates of the Costs of “Free” Voter IDs
Examples in Pennsylvania, South Carolina, and Texas

Pennsylvania: *Applewhite v. Pennsylvania*, 54 A.3d 1 (Pa. 2012)

Pennsylvania Example #1.1: Pennsylvania Resident: \$133.61¹⁰⁸

- Document Cost:
 - New York birth certificate: \$38.80
 - New York marriage certificate: \$15
 - *Total estimated document cost: \$53.80 [\$38.80 + \$15]*
- Travel Cost:
 - Estimated roundtrip gas already used: \$10
 - Estimated roundtrip gas needed for future trips not yet completed: \$10
 - *Total estimated travel cost: \$20 [\$10 + \$10]*
- Time Cost:
 - First roundtrip to PennDOT: estimated 1 hour at \$7.25/hr (minimum wage) = \$7.25
 - Time spent at PennDOT: 1 ¼ hrs (75 min.) = \$7.25/hr x 1.25 = \$9.06¹⁰⁹
 - First roundtrip to Social Security Office: estimated 1 hour at \$7.25/hr = \$7.25
 - Time spent at Social Security Office: estimated 1 hour at \$7.25/hr = \$7.25
 - Second roundtrip to the Social Security Office with the sealed marriage certificate to get her updated Social Security card: estimated 1 hour at \$7.25/hr = \$7.25
 - Time spent at Social Security Office: estimated 1 hour at \$7.25/hr = \$7.25
 - Second trip to PennDOT: estimated 1 hour \$7.25/hr = \$7.25
 - Time spent at PennDOT: estimated 1 hour at \$7.25/hr = \$7.25
 - *Total estimated cost of time: 8.25 hours at \$7.25/hr = \$59.81*
- **Total Estimated Cost:**
 - **Documents: \$53.80**
 - **Travel: \$20.00**
 - **Time: \$59.81**
 - **Likely final total: \$133.61**

¹⁰⁸ The Morning Call, “Obtaining a voter ID costs time and money,” September 13, 2012, available at: http://articles.mcall.com/2012-09-13/news/mc-mcmahan-voter-id-20120913_1_photo-identification-license-center-license-facility

¹⁰⁹ Visit time at a facility includes waiting time plus time with staff.

Pennsylvania Example #1.2: Pennsylvania Resident: \$172.39¹¹⁰

- Document Cost:
 - Pennsylvania birth certificate: \$10 (but free if one knows to request verification at PennDOT)
 - *Total estimated document cost: \$10*
- Travel Cost:
 - First roundtrip to PennDOT via bike and bus: bus fare of \$2 each way, \$4 total
 - Second roundtrip to PennDOT via bike and bus (Labor Day weekend): \$2 each way, \$4 total
 - Third roundtrip to PennDOT via bike and bus (not yet completed): \$2 each way, \$4 total
 - *Total estimated travel cost: \$12 [\$4 + \$4 + \$4]*
- Time Cost:
 - First roundtrip to PennDOT (missed entire morning of work 9am to 12pm): 3 hours (travel time: 2 hrs, agency time: 1 hr)
 - Second roundtrip to PennDOT: 3 hours (travel time: 2 hrs, agency time: 1 hr)
 - Third roundtrip to PennDOT: 3 hours (travel time: 2 hrs, agency time: 1 hr)
 - Total time lost from work hours: 9 hours (total travel time: 6 hrs, total agency time: 3 hrs)
 - *Total estimated cost of time: 9 hrs at \$16.71/hr = \$150.39, assuming lost work hours valued at Pennsylvania median wage (\$16.71 per hour¹¹¹)*
- **Total Estimated Cost:**
 - **Documents: \$10.00**
 - **Travel: \$12.00**
 - **Time: \$150.39**
 - **Likely final total: \$172.39**

Pennsylvania Example #1.3: Sherry Skramstad: \$107.25¹¹²

- Document Cost:
 - New York birth certificate: \$37.25
 - Priority Handling (or the certificate may not arrive in time for Skramstad to obtain a photo ID before the election):¹¹³ \$15.00

¹¹⁰ Daily Kos, "I was denied free voter ID today: Pennsylvania" August 17, 2012, <http://www.dailykos.com/story/2012/08/17/1121432/-I-was-denied-free-voter-ID-today-Pennsylvania>; Daily Kos, "'*STILL* no voter ID: try #2 (Pennsylvania)" September 1, 2012, <http://www.dailykos.com/story/2012/09/01/1126822/--STILL-no-voter-ID-try-2-Pennsylvania>.

¹¹¹ Bureau of Labor Statistics, "May 2011 State Occupational Employment and Wage Estimates Pennsylvania," March 27, 2012, http://www.bls.gov/oes/current/oes_pa.htm#00-0000.

¹¹² Bob Warner, "Woman's ordeal shows voter-ID pitfalls," The *Philadelphia Inquirer*, July 18, 2012, http://articles.philly.com/2012-07-18/news/32714823_1_marriage-license-penn-dot-office-mexican-consulate.

¹¹³ New York Department of Health, "Birth Certificates," Revised March 2012, http://www.health.ny.gov/vital_records/birth.htm.

- New York birth certificate with Priority Handling: \$52.25
- Marriage certificate: estimated \$10¹¹⁴ as needed
- *Total estimated document cost: \$62.25 including marriage license*
- Travel Cost:
 - First roundtrip to PennDOT via public transportation: at \$4 each way, \$8 total
 - Second roundtrip to PennDOT to be needed, \$8 total
 - *Total estimated travel cost: \$16 [\$8 + \$8]*
- Time Cost:
 - Retired, but the trips to PennDOT have taken about 2 hours so far: 2 hours travel at \$7.25/hr = \$14.50 (estimated 1 hr for travel time and 1 hr for agency time).
 - Second roundtrip to be needed, \$14.50
 - *Total estimated cost of time: \$29 [\$14.50 + \$14.50]*
- **Total Estimated Cost:**
 - **Documents: \$62.25** (including marriage license)
 - **Travel: \$16.00**
 - **Time: \$29.00**
 - **Likely final total: \$107.25**

South Carolina: *S. Carolina v. United States*, CIV.A. 12-203 BMK, 2012 WL 4814094 (District Court of Washington, D.C., Oct. 10, 2012)

South Carolina Example #2.1: Larrie Butler: \$166.50¹¹⁵

- Document Cost:
 - South Carolina birth certificate: \$12
- Travel Cost:
 - To and from the DMV at \$4/trip; will need to return a second time
 - Estimated public transportation cost of \$8
 - To and from Vital Records at \$4/trip; will need to return a third time
 - Estimated public transportation cost of \$12
 - To and from court
 - Estimated public transportation cost of \$4
 - *Total estimated travel cost: \$24 [\$8 + \$12 + \$4]*
- Time Cost:
 - Two trips to DMV, estimated at 1 hour travel and 2 hour waiting per trip, for 6 total hours at \$7.25/hour: \$43.50

¹¹⁴ The cost of a certified marriage certificate in North Carolina is \$10 (US Marriage Laws, "How Much a Marriage License Cost?" 2012, http://www.usmarriagelaws.com/search/united_states/north_carolina/marriage_licenses/fees.shtml).

¹¹⁵ Lawyers' Committee for Civil Rights Under Law, "Think Getting 'Free' ID Is Easy? Think Again!," A casualty of the voter ID law, June 7, 2011, available at <http://www.youtube.com/watch?v=UZ5cKz-bTCA>.

- Three trips to Vital Records, estimated at 1 hour travel and 2 hours waiting per trip, for 9 total hours at \$7.25/hr: \$65.25
- Trip to court, estimated at 1 hour travel and 2 hours waiting, for 3 total hours at \$7.25/hour: \$21.75
- *Total estimated cost of time: \$130.50*
- **Total Estimated Cost:**
 - **Documents: \$12.00**
 - **Travel: \$24.00**
 - **Time: \$130.50**
 - **Likely final total: \$166.50**

South Carolina Example #2.2: Amanda Wolf: \$92.50¹¹⁶

- Document Cost:
 - South Carolina birth certificate: \$12
- Travel Cost:
 - Travel to and from Vital Records. Estimated public transportation cost to and from office: \$4
 - Travel to and from attorney's office: \$4
 - *Total estimated travel costs: \$8 [\$4 + \$4]*
- Time Cost:
 - Time spent traveling to and from Vital Records (estimated at 2 hours as a student earning minimum wage at \$7.25/hr): \$14.50.
 - Time spent consulting with an attorney (estimated at 4 hours at \$7.25/hr): \$29.00
 - Time spent resolving issue to change birth certificate (estimated at 4 hours at \$7.25/hr): \$29.00
 - *Total estimated cost of time: \$72.50 [\$14.50 + \$29 + \$29]*
- Legal Fees:
 - A local judge provided pro bono support, however PBS estimated that hiring an attorney to resolve this issue likely would have cost \$1,800¹¹⁷
 - According to a memo prepared by the South Carolina ACLU, an individual seeking a court ordered name change in South Carolina “will need a lawyer At least five hours of legal work will be required.”¹¹⁸
 - Susan Dunn, Legal Director of the South Carolina ACLU, estimates that such legal services would cost \$150 - \$300 per hour
 - Total estimated cost of attorney fees: \$750 [\$150 per hour for 5 hours]
 - Additionally, a \$150 filing fee is required.¹¹⁹

¹¹⁶ Id.

¹¹⁷ PBS, “Religion & Ethics NewsWeekly,” Episode, “Voter ID,” February 17, 2012, at 1:20.

¹¹⁸ See ACLU of South Carolina, Memo, “Getting a court ordered name change in S[outh] C[arolina], Charleston, SC, [July 22, 2011],” Section 1. See note 40 supra.

¹¹⁹ See “Getting a court ordered name change in SC,” Section 2.

- Further, a fingerprint scan, a criminal background check, and a screening from the Department of Social Services are required.¹²⁰ A fingerprint scan costs \$5,¹²¹ a criminal background check costs \$25,¹²² and a screening from the Department of Social Services costs \$25.¹²³
- Total estimated cost of filing activities and background checks: \$205 [\$150 + \$5 + \$25 + \$25]
- *Total estimated legal costs: \$955 [\$750 + \$205]*
- **Total Estimated Cost:**
 - **Documents: \$12.00**
 - **Travel: \$8.00**
 - **Time: \$72.50**
 - **Likely final total: \$92.50**
 - **Legal fees: \$955**
 - **Total estimated cost if legal services had not been provided pro bono: \$1,047.50**

South Carolina Example #2.3: Donna Suggs: \$99.75¹²⁴

- Document Cost:
 - South Carolina birth certificate: \$12
- Travel Cost:
 - Travel to and from attorney's office via public transportation: \$4
 - Travel to and from DMV via public transportation: \$4
 - *Total estimated travel cost: \$8 [\$4 + \$4]*
- Time Cost:
 - Time spent consulting with an attorney (estimated at 4 hours during non-work hours at \$7.25/hour minimum wage): \$29
 - Time spent resolving issue to change birth certificate (estimated at 4 hours during non-work hours at \$7.25/hour minimum wage): \$29
 - Time spent traveling and acquiring photo ID at DMV (estimated at 3 hours during non-work hours at \$7.25/hour minimum wage): \$21.75
 - *Total estimated cost of time: \$79.75 [\$29 + \$29 + \$21.75]*
- Legal Fees:
 - According to a memo prepared by the South Carolina ACLU,¹²⁵ an individual seeking a delayed birth certificate “will most likely need to hire an attorney to

¹²⁰ See “Getting a court ordered name change in SC,” Section 3.

¹²¹ See “Getting a court ordered name change in SC,” Section 4.b.

¹²² See “Getting a court ordered name change in SC,” Section 4.c.

¹²³ See “Getting a court ordered name change in SC,” Section 5.

¹²⁴ Lawyers’ Committee for Civil Rights Under Law, “Think Getting ‘Free’ ID Is Easy? Think Again!,” A casualty of the voter ID law, June 7, 2011, <http://www.lawyerscommittee.org/page?id=0046> and <http://video.pbs.org/video/2197962217/>.

¹²⁵ See ACLU of South Carolina, Memo, “Getting a certified birth certificate in South Carolina,” Charleston, SC, [2011], Section 3.b.ii.

navigate this process.” The memo further estimates that approximately 8 hours of work will be needed to complete the task.¹²⁶

- Susan Dunn, Legal Director of the South Carolina ACLU, estimates that such legal services would cost \$150 to \$300 per hour.
- Total estimated cost of attorney’s fees: \$1,200 (\$150/hour for 8 hours)
- The memo additionally states that an individual applying for a delayed birth certificate must pay a \$150 filing fee.¹²⁷
- *Total legal cost: \$1,350 [\$1,200 + \$150]*
- **Total Estimated Cost:**
 - **Documents: \$12.00**
 - **Travel: \$8.00**
 - **Time: \$79.75**
 - **Likely final total: \$99.75**
 - **Legal fees: \$1,350**
 - **Total estimated cost if legal services had not been provided pro bono: \$1,449.75**

Texas: *State of Texas v. Holder*, Fed R Civ P 45(c)3 (March 12, 2012)

Texas Example #3.1: Ozona, Crocket County to San Angelo [163 miles roundtrip]: \$77.96-\$290.25

- Document Cost:
 - Birth certificate: \$22
 - Marriage license: \$1 for the copy, additional \$5 certified
- Travel Cost (with car):
 - Gas, 163 miles roundtrip at 25 mpg x \$3.77/gal is \$24.58
- Time Cost (with car):
 - Time spent traveling: 163 miles at 65 MPH takes 2.5 hrs. Cost in time is 2.5 hours at \$7.25 or \$18.18 roundtrip.
 - Time at DPS: Assuming 2 hours at \$7.25 is \$14.50
 - *Total estimated cost of time: \$32.68 [\$18.18 + \$14.50]*
- **Total estimated cost by car:**
 - **Documents: \$22.00 (\$28 with marriage license)**
 - **Travel: \$24.58**
 - **Time: \$32.68**
 - **Likely final total: \$79.26. {Ex. 3.1.3.} (\$85.26 with marriage license.) At median wage for travel and time costs, \$99.86. (\$105.86 if marriage license copy needed)**

¹²⁶ See “Getting a certified birth certificate in SC,” Section 3.b.ii.

¹²⁷ See “Getting a certified birth certificate in SC,” Section 3.b.iii.

- Additional costs for driver: 4.5 hours at \$11.82 is \$53.28
- **Likely final total by car with driver: \$132.545 [\$79.26 + \$53.28] (without marriage license)**
- Travel Cost (by bus):
 - Travel by bus: From Ozona to San Angelo, there is one bus a day on Kerrville Bus and the trip takes 14 hours going and 9 hours returning because of a long layover in Sonora. The bus ticket costs \$74 nonrefundable, \$81 refundable roundtrip.
- Time Cost (by bus):
 - 23 hours at \$7.25 is \$166.75.
 - Time at DPS of 2 hours at \$7.25/hr or \$14.50
 - Total time cost is \$181.25
- **Total Estimated Cost by bus:**
 - **Documents: \$22 or \$28 with marriage license**
 - **Travel: \$81**
 - **Time: \$181.25**
 - **Likely final total: \$284.25 [\$22 + \$81 + \$181.25]. (If a marriage license is needed, \$290.25)**

Texas Example #3.2: Sanderson, Terrell County to Fort Stockton [170 miles roundtrip]: \$77.96-\$146.80

- Document Cost:
 - Birth certificate: \$22
 - Marriage license: \$10 for a certified copy
 - *Total estimated document cost: \$32 [\$22 + \$10]*
- Travel Cost (by car):
 - Gas, 170 miles roundtrip at 25 mpg x \$3.94/gal=\$26.79
- Time Cost (by car):
 - Time spent traveling: 170 mi at 65 mph takes 2.615 hrs. At \$7.25/hr, this is \$18.96 [2.615 hrs at median wage of \$11.82/hr is \$30.91]
 - Time at DPS: Estimated at 2 hours at \$7.25 is \$14.50 [2 hours at median wage of \$11.82 is \$23.64.]
 - *Total estimated cost of time: \$33.46 [4.615 hours at \$7.25/hr]*
- **Total Estimated Cost by car:**
 - **Documents: \$22 or \$32 with marriage license**
 - **Travel: \$26.79**
 - **Time: \$33.46**
 - **Likely final total: \$82.25 [\$22 + \$26.79 + \$33.46] [with marriage license, \$92.25]. At median wage, \$103.39; with marriage certificate \$113.39**
 - Additional costs for driver: 4.615 hours @ \$11.82/hr = \$54.55

- **Likely final total by car with driver: \$136.80 [\$82.25 + \$54.55] (without marriage license), \$146.80 [136.80 + \$10] (with marriage license)**
- Travel Cost (without car): There is no bus or cab service from Fort Stockton to Sanderson.¹²⁸ The nearest bus station to Sanderson is Fort Stockton, 65.6 miles away (about 1 hour 8 minutes).
 - The TRAX community transport service provides vans (reserved a day in advance) at \$22.50 roundtrip.¹²⁹
- Time Cost (without car):
 - Travel time by TRAX van (170 mi. at 65 mph): 2.615 hours. At minimum wage, 2.615 hrs at \$7.25 is \$18.96; at median wage 2.615 hours at \$11.82 is \$30.91.
 - Time at DPS, estimated 2 hours at \$7.25/hr is \$14.50 (at median wage, \$23.64). (At median wage, \$23.64)
 - *Total estimated cost of time (4.615 hrs): \$33.46 [\$18.96 + \$14.50]*
- **Total Estimated Cost by TRAX:**
 - **Documents: \$22 (or \$32 with marriage license)**
 - **Travel: \$22.50**
 - **Time: \$33.46**
 - **Likely final total: \$77.96 [\$22 + \$22.50+ 33.46] (with marriage license, \$87.96) [at median wage \$99.05, with marriage license, \$109.05]**

Texas Example #3.3: Sierra Blanca, Hudspeth County to El Paso [176 miles roundtrip]: \$82.81-\$389.79.

- Document Cost:
 - Birth certificate: \$22
 - Marriage license: \$10 for a certified copy
 - *Total estimated document cost: \$32 [\$22 + \$10]*
- Travel Cost (with car):
 - Travel by car: 176 mi at 25 mpg (7.04 gal) x \$3.79/gal is \$26.68
- Time Cost (with car):
 - Time spent traveling: 176 mi at 65 MPH takes 2.71 hrs. At \$7.25/hr, this is \$19.63 [at median wage of \$11.82/hr, \$31.91]
 - Time at DPS: 2 hours at \$7.25 is \$14.50 [at median wage, \$23.64]
 - *Total estimated cost of time: \$33.46 [\$18.96 + \$14.50]*
- **Total Estimated Cost by car:**
 - **Documents: \$22 or \$32 with marriage license**
 - **Travel: \$26.68**
 - **Time: \$34.13 [\$19.63 + \$14.50]**

¹²⁸ Fort Stockton Chamber of Commerce, personal communication, October 1, 2012.

¹²⁹ TRAX, personal communication, October 1, 2012. West Texas Opportunities, Inc., "TRAX Service Area Map," 2013, http://www.gowto.org/index.cfm?fuseaction=menu&menu_id=5010

- **Likely final total: \$82.86** [$\$22 + \$26.68 + \34.13]; with marriage license, **\$92.36; (at median wage \$104.32; if marriage license needed \$114.32)**
- Additional costs for driver: 4.71 hours at \$11.82/hr is \$54.64
- **Likely final total by car with driver: at least \$138.46 (without marriage license; \$148.46 with marriage license. Ex.3.3.4) [at median wage, \$159.97, with marriage license, \$169.97].**
- Travel Cost (without car: bus + cab):
 - There is no bus service from Sierra Blanca to El Paso. The closest service is Greyhound in Van Horn, TX, 30 miles away.
 - The roundtrip bus ticket from Van Horn to El Paso is \$74 nonrefundable, \$84 refundable.
 - A cab for the half hour drive from Van Horn to Sierra Blanca would cost about \$60 each way (\$120 total).
 - *Total estimated travel cost without car (bus + cab): \$204* [$\$84 + \120]
- Time Cost:
 - 2 hours bus travel each way. 4 hours at \$7.25 is \$29.00 in time.
 - 30 minutes cab each way. 1 hour at \$7.25 is \$7.25 in time.
 - Total travel time costs \$36.25 (5 hours at \$7.25)
 - Time spent at DPS: 2 hours at \$7.25 is \$14.50
 - *Total estimated cost of time: 7 hours at \$7.25 is \$50.75*
- **Total Estimated Cost without car (bus + cab):**
 - **Documents: \$22 or \$32 with marriage license**
 - **Travel: \$204** [$\$84 + \120]
 - **Time: 7 hours at \$7.25 is \$50.75**
 - **Likely final total: \$276.75** [$\$22 + \$204 + \50.75] (with marriage certificate, **\$286.75**).
- Travel Cost without car (Amigo Shuttle):
 - The Amigo Shuttle service runs from Sierra Blanca to El Paso Airport and costs \$1.60/mi. It is about 80 miles from the El Paso Airport to Sierra Blanca, at \$1.60/mile or \$128.00. There is an additional 7.8 miles to the closest DPS office in El Paso.
 - Shuttle Travel costs (to airport): \$256.00 [$\128.00×2 ways]
 - From the El Paso Airport to the nearest El Paso DPS Office it is 7.8 miles. By the Amigo shuttle, it would cost 7.8mi x \$1.60/mi or \$12.48 one-way, \$24.96 roundtrip.
 - *Travel cost by shuttle to DPS: \$280.96* [$\$256 + \24.96]
- Time Cost:
 - Travel time by shuttle to and from airport, 2 hours each way; $4 \times \$7.25 = \29.00
 - Additional time to/from airport to DPS, 15 minutes each way x 2=30 minutes at \$7.25 = \$3.63
 - Total travel time cost: 4 ½ hours at \$7.25/hr is \$32.63; at median wage of \$11.82/hr is \$53.19.

- Time at DPS: Estimated 2 hours at \$7.25 = \$14.50
- *Total estimated cost of time: \$47.13 (6.5 hours at \$7.25); at median wage, \$76.83*
- **Total Estimated Cost by shuttle:**
 - **Documents: \$22 or \$32 with marriage license**
 - **Travel: \$280.96 [\$256 + \$24.96]**
 - **Time: \$47.13 (6.5 hours at \$7.25); at median wage, \$76.83**

Likely final total: \$350.09 [\$22 + \$280.96 + \$47.13] (\$360.09 with marriage license). [At median wage, \$379.79; with marriage license \$389.79]

Appendix II, Other Examples of Estimated Costs of a “Free” Voter ID

Pennsylvania Example #1.4: \$151.63 [\$451.63]

- **CBS Philly documents** the attempt of Wilola Lee, a Philadelphia resident who does not have a birth certificate.¹³⁰
- Background:
 - Lee has spent roughly ten years petitioning courts in Georgia and attempting to acquire a new birth certificate, which is necessary to obtain a photo ID.
 - According to Lee, she has spent “hundreds of dollars” (estimated here as \$300) attempting to acquire her birth certificate from courts, but has been unsuccessful.
 - If Lee had been able to acquire her birth certificate and complete the process, she would incur additional costs for payment to obtain the certificate, work time lost, and traveling to PennDOT to acquire photo ID.
- Document Cost:
 - Georgia birth certificate: \$25.00
- Travel Cost:
 - Assuming Lee uses public transportation at a rate of \$2 per trip to and from the DPS: \$4.00
- Time Cost:
 - PennDOT Trip - Assuming the trip to the DMV took 3 hours during work hours (using the median wage of \$16.71/hour during work hours): \$50.13
 - Court Petition - Assuming Lee spent significant time (estimated 10 hours) petitioning courts in Georgia to obtain her birth certificate during non-work hours (using the minimum wage of \$7.25 during non-work hours): \$72.50
 - *Total estimated cost of time: \$122.63 [\$50.13 + \$72.50]*
- **Total Estimated Cost:**
 - **Lee’s legal costs are likely more than \$300, but this is the estimated cost given that she has reportedly spent “hundreds of dollars.”**
 - **Documents: \$25**
 - **Travel: \$4**
 - **Time: \$122.63 [\$50.13 + \$72.50]**
 - **Likely final total: \$151.63 [\$25 + \$4 + \$122.63]**
 - **Likely final total (with legal costs): \$451.63**

Pennsylvania Example #1.5: \$1,261.92

- *The Philadelphia Inquirer* and NPR document the case of Devon resident Bea Bookler.¹³¹

¹³⁰ Cherri Gregg, “Plaintiff In Voter ID Lawsuit Has Fought For Years To Prove Her Identity,” CBS Philly, May 1, 2012, <http://philadelphia.cbslocal.com/2012/05/01/wilola-lee-plaintiff-in-the-aclu-voter-id-lawsuit-has-fought-for-years-to-prove-her-identity/>

¹³¹ Annette John-Hall, “Voter ID bill fulfills its intent: Discouraging voters,” *The Philadelphia Inquirer*, March 27, 2012, http://articles.philly.com/2012-03-27/news/31245392_1_voter-id-bill-id-requirement-law-disenfranchises; Pam Fessler, “Study: Many Could Face Obstacles in Voter ID Laws,” NPR, July 28, 2012, <http://www.npr.org/2012/07/18/156935624/study-many-could-face-obstacles-in-voter-id-laws>.

- Background:
 - Bookler does not have a birth certificate or photo ID.
 - Bookler is receiving free legal aid from her daughter, an attorney, to acquire a birth certificate.
 - Bookler will then need to travel to PennDOT to acquire a photo ID.
- Document Cost:
 - Pennsylvania birth certificate: \$10
- Travel Cost:
 - Bookler's daughter has volunteered to take her to PennDOT; estimated gas cost of \$4 (exact distance and gas costs unknown).
- Time Cost:
 - Bookler is retired, and thus will not incur any costs for work time lost, but time valued at minimum wage \$7.25/hr.
 - Time cost for trip to PennDOT, estimated at 1 hour travel, 1 hour waiting, is \$14.50
 - Time cost for driver (2 hours at median wage \$16.71/hr) is \$33.42.
 - *Total estimated cost of time: \$47.92 [\$14.50 + \$33.42]*
- Legal Fees:
 - Bookler's daughter is providing legal services free of charge, however such services would normally cost hundreds – if not thousands – of dollars.
 - According to a memo prepared by the South Carolina ACLU,¹³² an individual seeking a delayed birth certificate “will most likely need to hire an attorney to navigate this process.” The memo further estimates that approximately 8 hours of work will be needed to complete the task.¹³³
 - Susan Dunn, Legal Director of the South Carolina ACLU, estimates that such legal services would cost \$150 - \$300 per hour.
 - *Total estimated cost of attorneys' fees: \$1,200 [\$150/hour × 8 hours=\$1,200]¹³⁴*
- **Total Estimated Cost:**
 - **Documents: \$10**
 - **Travel: \$4**
 - **Time: \$47.92 [\$14.50 + \$33.42]**
 - **Likely final total: \$61.92 [\$4 + \$10+ \$47.92]**
 - **Total Estimated Cost if legal services not provided pro bono: \$1,261.92 [\$61.92 + \$1,200]**

Pennsylvania Example #1.6: \$1,467.63

- Philadelphia resident Gloria Cuttino documented her difficulty attempting to obtain a photo ID.¹³⁵

¹³² See Memo, “Getting a certified birth certificate in SC,” Section 3.b.ii.

¹³³ See Memo, “Getting a certified birth certificate in SC,” Section 3.b.ii.

¹³⁴ Because the South Carolina ACLU's filing costs were specific to that state, they have not been included in the revised legal cost estimate. However, attorney rates and hours needed are likely consistent across states, so these legal costs have been applied.

- Background:
 - Cuttino does not have a birth certificate, and will need to petition to court to receive one.
 - Cuttino has received pro bono advice from attorneys regarding the process involved.
 - Cuttino would need to hire an attorney to petition a South Carolina court for her birth certificate.
- Document Cost:
 - South Carolina birth certificate: \$12
- Travel Cost:
 - Travel costs to meet with attorneys regarding advice on process, assuming Cuttino used public transportation (estimated \$2 cost to travel to and from office): \$4
 - Travel cost to meet with attorneys regarding petition for birth certificate (estimated \$2 cost to travel to and from office): \$4
 - Travel cost to go to PennDOT to acquire photo ID (estimated \$2 cost to travel to and from office): \$4
 - *Total estimated travel cost: \$12*
- Time Cost:
 - Consultation with lawyers – assuming Cuttino spent significant time with lawyers discussing the process she would need to engage in and would need to spend additional time consulting with attorneys regarding her petition to South Carolina. Estimated total of 6 hours during non-work hours (using the minimum wage of \$7.25 during non-work hours): \$43.50 [(2 hrs of travel time = \$14.50 and 4 hours of agency time = \$29.00), \$14.50 + \$29.00 = \$43.50]
 - Trip to PennDOT – assuming Cuttino would spend an estimated 3 hours traveling to and at PennDOT to obtain a photo ID during working hours (using the median wage of \$16.71/hour during work hours): \$50.13 [(2 hrs of travel time = \$33.42 and 1 hr of agency time = \$16.71), \$33.42 + \$16.71 = \$50.13]
 - *Total estimated cost of time: \$93.63 [\$43.50 + \$50.13]*
- Legal Fees:
 - Legal services were provided pro bono; however, such services would normally cost hundreds – if not thousands – of dollars.
 - According to a memo prepared by the South Carolina ACLU,¹³⁶ an individual seeking a delayed birth certificate “will most likely need to hire an attorney to navigate this process.” The memo further estimates that approximately 8 hours of work will be needed to complete the task.¹³⁷
 - Susan Dunn, Legal Director of the South Carolina ACLU, estimates that such legal services would cost \$150 - \$300 per hour.

¹³⁵ Lawyers' Committee for Civil Rights Under Law, “Think Getting ‘Free’ ID Is Easy? Think Again!” Gloria Cuttino, ACLUPA, May 1, 2012, <http://www.lawyerscommittee.org/page?id=0046> and <http://www.youtube.com/watch?v=zOassrpm-mw>.

¹³⁶ See ACLU of South Carolina, Memo, “Getting a certified birth certificate in S[outh] C[arolina], Charleston, SC, [2011], Section 3.b.ii.

¹³⁷ See “Getting a certified birth certificate in SC,” Section 3.b.ii.

- Total estimated cost of attorneys fees: \$1200 [$\$150 \times 8 = \1200]
- An individual applying for a delayed birth certificate must pay a \$150 filing fee.¹³⁸
- *Total legal cost: \$1,350 [$\$1,200 + \150]*
- **Total Estimated Cost:**
 - **Documents: \$12**
 - **Travel: \$12**
 - **Time: \$93.63**
 - **Likely final total: \$117.63 [$\$12 + \$12 + \93.63]**
 - **Cuttino has not petitioned for a certificate or paid this cost, however this is an estimate of what the total process would cost.**
 - **Likely final total if previous legal services had not been provided pro bono: \$1,467.63 [$\$117.63 + \$1,350$]**

Pennsylvania Example #1.7: \$809.92

- *The Philadelphia Inquirer* documents issues faced by Doylestown resident Joyce Block.¹³⁹
- Background:
 - Block traveled to PennDOT, however she could not receive a photo ID because the workers could not read her marriage license, which is written in Hebrew, and because her bills and home deed are in her married, rather than maiden, name.
 - The PennDOT worker suggested that Block take legal action to have ownership of her home changed to her maiden name.
- Travel Cost:
 - Block was taken to PennDOT by her daughter, and will need to return if she acquires necessary documentation. Estimated gas cost of \$4 (1 gallon).
 - Block may need to travel to meet with an attorney regarding changing the name on the deed to her home. Estimated gas cost of \$4.
 - Block would need to return to PennDOT to acquire a photo ID after consulting with an attorney and changing the name on her home deed, estimated gas cost of \$4.
 - Total estimated travel cost: \$12
- Time Cost:
 - Block is retired, therefore she will not incur costs for work time lost, but time valued at minimum wage, \$7.25.
 - Travel and waiting time at PennDOT (1 hour travel, 1 hour waiting) is \$14.50.
 - Travel and waiting time for driver (at median wage, \$16.71) is \$33.42
 - Total cost of time: \$47.92 [$\$14.50 + \33.42]
- Legal Fees:
 - Block will need to hire an attorney to have ownership of her home changed to her maiden name. (Estimated cost: \$750)

¹³⁸ See "Getting a certified birth certificate in SC," Section 3.b.iii.

¹³⁹ Bill Reed, "In Bucks County, a tale of ID frustration," *The Philadelphia Inquirer*, April 23, 2012, http://articles.philly.com/2012-04-23/news/31387312_1_penndot-worker-marriage-license-peco.

- Based on its similarity, the time and cost estimate of changing a name on a document such as a birth certificate was used for changing ownership (5 hours at a rate of \$150/hour is \$750). Documentation costs and filing fees were not included.
 - Block has not hired an attorney to change the name on her deed so she can acquire the necessary paperwork to obtain a photo ID. However, \$750 for 5 hours at \$150/hr estimates what the process would cost.
 - *Total estimated legal cost: \$750¹⁴⁰*
- **Total Estimated Cost:**
 - **Travel: \$12**
 - **Time: \$47.92**
 - **Legal fees: \$750**
 - **Likely final total: \$809.92 (\$12 + \$47.92 + \$750)**

Pennsylvania Example #1.8: \$76.00

- The Huffington Post reports on the cost of obtaining a photo ID for an anonymous Philadelphia resident.¹⁴¹
- Background:
 - The voter in question made three trips to PennDOT.
 - Additionally, she made two trips to the Social Security Administration.
 - Finally, she made one trip to Vital Records.
- Costs:
 - The anonymous voter did not specify whether her costs were exclusively for travel, or additionally for purchase of records and work time lost. However, she estimated her total costs at \$76.
- **Total Estimated Cost:**
 - **\$76.00**

Pennsylvania Example #1.9: \$40.13

- Professor Dan Filler estimates the cost of a hypothetical average Pennsylvania voter to obtain a photo ID.¹⁴²
- Background:
 - Acquire social security card
 - Acquire Pennsylvania birth certificate
 - Travel to PennDOT and acquire photo ID
- Document Cost:

¹⁴⁰ Because this process of changing ownership on a property deed is different from the other legal issues, the analysis uses minimum cost associated with any other process (\$750 of attorneys' fees for changing the name on a birth document), not including filing fees specifically required in South Carolina as an estimate of potential legal costs.

¹⁴¹ Janell Ross, "Pennsylvania Voter ID Neither Easy Nor Free," The Huffington Post, September 19, 2012, http://www.huffingtonpost.com/2012/09/18/pennsylvania-voter-id- n_1895128.html.

¹⁴² Dan Filler, "No ID? The Marginal Cost of Voting in Pennsylvania," The Faculty Lounge, July 9, 2012, <http://www.thefacultyounge.org/2012/07/the-marginal-cost-of-voting-in-pennsylvania-1.html>.

- Pennsylvania social security card: \$8 (includes research time, postage, and photocopies)
- Pennsylvania birth certificate: \$19 (includes research time, postage, and photocopies)
- *Total estimated document cost: \$27*
- Travel Cost:
 - Professor Filler estimates the cost of public transportation to and from PennDOT to be \$4.
- Time Cost:
 - Professor Filler uses the Pennsylvania minimum wage (\$7.25/hour) to calculate work time lost, and assumed that the trip to PennDOT would take 2.5 hours, resulting in a cost of \$18.12.
 - Using our calculation system (minimum wage for non-working hours, median wage for working hours), the trip to PennDOT occurred during non-work hours.
 - Total estimated cost of time: *Travel time = 2 hrs @ 7.25/hr = \$14.50 and agency time = .5 hrs @ 7.25/hr = about 3.62; \$14.50 + \$3.62 = \$18.12*
- **Total Estimated Cost:**
 - **Documents: \$27**
 - **Travel: \$4**
 - **Time: \$18.12**
 - **Likely final total: \$49.12 [\$27 + \$4 + \$18.12]**

Pennsylvania Example #1.10: \$227.98

- Professor Rogers Smith estimated the cost for his son Reed to obtain a passport to serve as a voter photo ID.¹⁴³
- Background:
 - Finding Reed's old passport and birth certificate
 - Travel to U.S. Post Office to acquire a passport
- Document Cost:
 - The cost of a passport is \$110.00
 - The cost of special handling is \$26.15
 - *Total estimated document cost: \$136.15*
- Travel Cost:
 - Estimated cost of gas was \$3.75 for an 8-mile trip to the local post office, and parking was \$12.00
 - *Total estimated travel cost: \$15.75*
- Time Cost:
 - Estimates it took 3 hours of time on September 23, 2012, to travel to the post office with Reed, and 15 minutes for Mrs. Smith to make a phone call to find information.

¹⁴³ Information provided in an email from Professor Rogers Smith to the author on December 30, 2012.

- Using the Pennsylvania minimum wage (\$7.25/hour) for Reed, his time cost for 3 hours was \$21.75. Using the median wage of \$16.71 for tenured Professor Smith, his time cost for 3 hours was \$50.13. For Mrs. Smith the total time cost of a quarter hour was $0.25 \times \$16.71 = \4.18 .
- *Total estimated cost of time: \$76.06* [$\$21.75 + \$50.13 + \4.18]
- **Total Estimated Cost:**
 - **Documents: \$136.15**
 - **Travel: \$15.75**
 - **Time: \$76.06**
 - **Likely final total: \$227.96** [$\$136.15 + \$15.75 + \76.06]

South Carolina Example #2.4: \$805.00

- Myrtle Beach Online discusses the issues encountered by Columbia resident Delores Freelon.¹⁴⁴
- Background:
 - Ms. Freelon sought to have birth certificate (which does not include mother's full name) changed.
 - Would need to petition California court to have birth certificate changed.
 - Has been unable to make the necessary change, and thus has not traveled to a DMV to obtain a photo ID.
- Document Cost:
 - California birth certificate: \$18.00¹⁴⁵
- Travel Cost:
 - Freelon would need to travel to an attorney's office to discuss her petition (assuming Freelon used public transportation at a cost of \$2 to travel to and from the office): \$4
 - Freelon would need to travel to the DMV to acquire a photo ID if she obtained an updated birth certificate (assuming public transportation at a cost of \$2 to travel to and from the office): \$4
 - *Total estimated travel cost: \$8.00*
- Time Cost:
 - Freelon is unemployed and receiving disability checks, so no cost would be incurred for work time lost. Time valued at \$7.25/hr minimum wage.
 - Time traveling and waiting at attorneys, (1 hour travel, 1 hour talking) \$7.25/hr for 2 hours is \$14.50
 - Time travel and waiting at DMV (1 hour travel, 1 hour waiting) \$7.25/hr for 2 hours is \$14.50.
 - *Total estimated cost of time: \$29* [$\$14.50 + \14.50]

¹⁴⁴ Jim Davenport, "S.C. voting rights group targets voter ID law," Myrtle Beach Online, July 9, 2011.

¹⁴⁵ California Department of Public Health, "Vital Record Fees," 2010, <http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/Fees.aspx>

- Legal Fees:
 - According to a memo prepared by the South Carolina ACLU, an individual seeking a court ordered name change in South Carolina “will need a lawyer . . . at least five hours of legal work will be required.”¹⁴⁶
 - Susan Dunn, Legal Director of the South Carolina ACLU, estimates that such legal services would cost \$150 - \$300 per hour.
 - Total estimated cost of attorney fees: \$750 [$\$150 \times 5 = \750]¹⁴⁷
- **Total Estimated Cost:**
 - **Documents: \$18**
 - **Travel: \$8**
 - **Time: \$29 [$\$14.50 + \14.50]**
 - **Legal fees: \$750 [$\$150 \times 5 = \750]**
 - **Likely final total: \$805.00 [$\$18 + \$8 + \$29 + \750]**
- Freelon did not file the petition due to inability to pay more than \$750 to petition the court and inadequate time to complete the process before the election. In short, she would not be able to get a “free” voter ID, and would not be able to vote.

¹⁴⁶ See ACLU of South Carolina, Memo. “Getting a court ordered name change in South Carolina,” Charleston, SC, [July 22, 2011], Section 1.

¹⁴⁷ Because the birth certificate is from California, the specific filing fees associated with South Carolina certificates have not been included.

Appendix III, Detailed Tables of Estimated Costs of a “Free” Voter ID

Table 6. Costs of a “Free” Voter ID: All Pennsylvania Examples

EXAMPLE <i>Pennsylvania</i>	OUT OF POCKET COSTS (\$)			TIME AND LEGAL COSTS (\$)					TOTAL (\$)
	Document Costs	Travel Costs	Subtotal	Travel Time	Agency Time	Driver Time	Legal Aid/Fees	Subtotal	
#1.1 Birth certificate + marriage certificate, car, minimum wage	53.80	20.00	73.80	29.00	30.81	N/A	N/A	59.81	133.61
#1.2 Bus, median wage	10.00 ¹⁴⁸	12.00	22.00	50.13	100.26	N/A	N/A	150.39	172.39
#1.3 Birth certificate + marriage certificate, bus, minimum wage	62.25	16.00	78.25	14.50	14.50	N/A	N/A	29.00	107.25
#1.4 Birth certificate, public transportation, median + minimum wage	25.00	4.00	29.00	50.13	72.50	N/A	(300.00)	122.63	151.63 (451.63)
#1.5 Birth certificate, car + driver (legal costs)	10.00	4.00	14.00	7.25	7.25 ¹⁴⁹	33.42	(1,200.00)	47.92 (1,247.92)	61.92 (1,261.92) ¹⁵⁰
#1.6 Birth certificate, public transportation, median + minimum wage (legal costs)	12.00	12.00	24.00	47.92	45.71	N/A	(1,350.00)	93.63 (1,443.63)	117.63 (1,467.63) ¹⁵¹
#1.7 Car + driver (legal costs)	0 ¹⁵²	12.00	12.00	7.25	7.25 ¹⁵³	33.42	(750.00)	47.92 (797.92)	59.92 (809.92) ¹⁵⁴
#1.8 Unknown	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	76.00 ¹⁵⁵
#1.9 Birth certificate + social security card, public transportation, minimum wage	18.00	4.00	22.00	14.50	3.63	N/A	N/A	18.13	40.13
#1.10 Birth certificate + passport, car, median + minimum wage	136.15	15.75	151.90	16.17	59.91	N/A	N/A	76.08	227.98

¹⁴⁸ This voter's document costs may include \$10 for a Pennsylvania birth certificate, but Pennsylvania birth certification is free if he knows to request it at PennDOT.

¹⁴⁹ Retired, and thus will not incur costs for work time lost.

¹⁵⁰ \$1,200 estimated for legal fees; total estimated cost if legal services had not been provided pro bono.

¹⁵¹ \$1,350 estimated for legal fees; total estimated cost if legal services had not been provided pro bono.

¹⁵² Voter has a Hebrew marriage license (Katuba) and may incur costs for getting one for Pennsylvania.

¹⁵³ Retired, and thus will not incur costs for work time lost.

¹⁵⁴ \$750 estimated for legal fees; minimum cost associated with other legal processes.

¹⁵⁵ The anonymous voter did not specify whether her costs of \$76 total were exclusively for travel, or additionally for purchase of records and work time lost. Time costs would increase the estimates.

Table 7. Costs of a “Free” Voter ID: All South Carolina Examples

EXAMPLE <i>South Carolina</i>	OUT OF POCKET COSTS (\$)			TIME AND LEGAL COSTS (\$)				TOTAL (\$)
	Document Costs	Travel Costs	<i>Subtotal</i>	Travel Time	Agency Time ¹⁵⁶	Legal Aid/Fees	<i>Subtotal</i>	
#2.1 Birth certificate, public transportation	12.00	24.00	36.00	43.50	87.00	N/A	130.50	166.50
#2.2 Birth certificate, public transportation	12.00	8.00	20.00	72.50	N/A	(955.00)	(1027.50)	(1047.50) 92.50
#2.3 Birth certificate, public transportation	12.00	8.00	20.00	79.75	N/A	(1350.00)	(1429.75)	(1449.75) 99.75
#2.4 Birth certificate, public transportation, attorney fees	18.00	8.00	26.00	14.50	14.50	(750.00)	(779.00)	(805.00)

¹⁵⁶ Two South Carolina examples do not distinguish between travel time and agency time. Time spent by a voter with a lawyer would be included in agency time.

Table 8. Costs of a “Free” Voter ID: All Texas Examples

EXAMPLE <i>Texas</i>	OUT OF POCKET COSTS (\$)			TIME AND LEGAL COSTS (\$)				TOTAL (\$)
	Document Costs	Travel Costs	Subtotal	Travel Time	Agency Time	Driver Time	Subtotal	
#3.1.1 Birth certificate, Kerrville bus, minimum wage	22.00	81.00	103.00	166.75	14.50	N/A	181.25	284.25
#3.1.2 Birth certificate + marriage certificate, Kerrville bus, minimum wage	28.00	81.00	109.00	166.75	14.50	N/A	181.25	290.25
#3.1.3 Birth certificate, car, minimum wage	22.00	24.58	46.58	18.18	14.50	N/A	32.68	79.26
#3.1.4 Birth certificate + marriage certificate, car, minimum wage	28.00	24.58	52.58	18.18	14.50	N/A	32.68	85.26
#3.1.5 Birth certificate, car, median wage	22.00	24.58	46.58	29.64	23.64	N/A	53.28	99.86
#3.1.6 Birth certificate + marriage certificate, car, median wage	28.00	24.58	52.58	29.64	23.64	N/A	53.28	105.86
#3.1.7 Birth certificate, car + driver, median wage	22.00	24.58	46.58	29.64	23.64	53.19	106.38	153.14
#3.1.8 Birth certificate + marriage certificate, car + driver, median wage	28.00	24.58	52.58	29.64	23.64	53.28	106.38	159.14
#3.1.9 Birth certificate, car + driver, minimum wage	22.00	24.58	46.58	18.18	14.50	53.28	85.87	132.54
#3.1.10 Birth certificate + marriage certificate, car + driver, minimum wage	28.00	24.58	52.58	18.18	14.50	53.28	85.87	138.54
#3.2.1 Birth certificate, car, minimum wage	22.00	26.79	48.79	18.96	14.50	N/A	33.46	82.25
#3.2.2 Birth certificate + marriage certificate, car, minimum wage	32.00	26.79	58.79	18.96	14.50	N/A	33.46	92.25
#3.2.3 Birth certificate, car + driver, median wage	22.00	26.79	48.79	30.91	23.64	54.55	109.10	157.89
#3.2.4 Birth certificate + marriage certificate, car + driver, median wage	32.00	26.79	58.79	30.91	23.64	54.55	109.10	167.89
#3.2.5 Birth certificate, TRAX bus, minimum wage	22.00	22.50	44.50	18.96	14.50	N/A	33.46	77.96
#3.2.6 Birth certificate + marriage certificate, TRAX bus, minimum wage	32.00	22.50	54.50	18.96	14.50	N/A	33.46	87.96

#3.3.1 Birth certificate, car, minimum wage	22.00	26.68	48.68	19.63	14.50	N/A	34.13	82.81
#3.3.2 Birth certificate + marriage certificate, car, minimum wage	32.00	26.68	58.68	19.63	14.50	N/A	34.13	92.81
#3.3.3 Birth certificate, car, minimum wage, driver	22.00	26.68	48.68	19.63	14.50	55.64	89.78	138.46
#3.3.4 Birth certificate, marriage certificate, car, minimum wage, driver	32.00	26.68	58.68	19.63	14.50	55.64	99.78	148.46
#3.3.5 Birth certificate, car, median wage	22.00	26.68	48.68	31.91	23.64	N/A	55.55	104.32
#3.3.6 Birth certificate + marriage certificate, car, median wage	32.00	26.68	58.68	31.91	23.64	N/A	55.55	114.32
#3.3.7 Birth certificate, car + driver, median wage	22.00	26.68	48.68	31.91	23.64	55.55	111.10	159.97
#3.3.8 Birth certificate + marriage certificate, car + driver, median wage	32.00	26.68	58.68	31.91	23.64	55.55	111.10	169.97
#3.3.9 Birth certificate, bus + cab, minimum wage	22.00	204.00	226.00	36.25	14.50	N/A	50.75	276.75
#3.3.10 Birth certificate, marriage certificate, bus + cab, minimum wage	32.00	204.00	236.00	36.25	14.50	N/A	50.75	286.75
#3.3.11 Birth certificate, shuttle, minimum wage	22.00	280.96	302.96	32.63	14.50	N/A	47.13	350.09
#3.3.12 Birth certificate, marriage license, shuttle, minimum wage	32.00	280.96	312.96	32.63	14.50	N/A	47.13	360.09
#3.3.13 Birth certificate, shuttle, median wage	22.00	280.96	302.96	53.19	23.64	N/A	76.83	379.79
#3.3.14 Birth certificate, marriage certificate, shuttle, median wage	32.00	280.96	312.96	53.19	23.64	N/A	76.83	389.79

Appendix IV

Table 9. Voter ID Laws by State¹⁵⁷

STATE	LAW	TIME OF ENACTMENT	PROVISIONS	LEVEL OF STRICTNESS ¹⁵⁸	CURRENT STATUS
Alabama	§17-9-30	2011	If a voter does not provide a photo ID, he or she may cast a regular ballot if two election officials identify the voter as an eligible voter on the poll list, and both election workers sign a sworn affidavit so stating.	Non-Strict	Partially in effect. Set to take effect in 2014, no longer requires preclearance as Supreme Court struck down Section 4 of the Voting Rights Act.
Arkansas	§7-5-305, 7-5-321	2013	If the voter fails to provide a photo ID and is not a resident of a long-term or residential care facility he or she shall only be allowed to use a provisional ballot . If (1) the voter returns to the county board or elections or county clerk by noon Monday after the election and provides (A) proof of identity, or (B) an affidavit that the voter cannot provide proof because of indigence or religious objection to being photographed; the ballot will be counted.	Strict	Not yet in effect. Set to take effect on January 1, 2014, or when funding appropriated. Struck down by state court on April 24, 2014, but stayed the ruling.
Florida	§101.043	2012	If the voter fails to provide a photo ID, he or she shall only be allowed to use a provisional ballot . The voter signs the provisional ballot envelope and if the signature in voting registration records match, the voter is counted.	Non-Strict	In effect.
Georgia ¹⁵⁹	§21-2-417	2007	If the voter fails to provide a photo ID, he or she shall only be allowed to use a provisional ballot . Voter must show a photo ID within three days for provisional ballot to be counted.	Strict	In effect.
Hawaii	§11-136	2012	If a voter has no photo identification, he or she may cast a regular ballot . Voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.	Non-Strict	In effect.

¹⁵⁷ National Conference of State Legislatures, "Voter Identification Requirements," October 24, 2012, <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>.

¹⁵⁸ A strict law (11 states) does not allow a voter to cast a ballot under any circumstances without a photo ID. Potential voters may cast a provisional ballot but it will not be counted unless ID requirements or other conditions are shortly met. A non-strict law (10 states) is one which allows a voter to cast a regular ballot without a photo ID (or provisions ballot that is automatically counted) by, for example, signing of a sworn affidavit. (Missouri not included in numbers because law was struck down by the State Supreme Court.)

¹⁵⁹ Supreme Court of Georgia: *Democratic Party of Georgia, Inc. v. Perdue*, 707 S.E.2d 67 (Ga.2011); Superior Court Decision: *Democratic Party of Georgia, Inc. v. Perdue*, 2010 WL 9072908 (Ga.2010); Superior Court of Georgia: *Perdue v. Lake*, 647 S.E.2d 6 (Ga.2007); Common Cause/Georgia v. Billups, 504 F.Supp.2d 1333 (N.D.Ga. 2007); Common Cause/Georgia v. Billups, 544 F.3d 1340 (11th Cir. 2009); NAACP v. Billups, 556 U.S. 1282 (2009).

Idaho	§34-1106(2), 34-1113, 34-1114	2010	If a voter does not provide photo ID, he or she must sign a sworn affidavit testifying to their identity and address in order to cast a regular ballot . Persons knowingly providing false, erroneous or inaccurate information on affidavit shall be guilty of a felony.	Non-Strict	In effect.
Indiana ¹⁶⁰	§3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25.1	2006	If the voter fails to provide a photo ID, he or she will only be allowed to use a provisional ballot . Voter must return to the election board by noon Monday after election with Photo ID, or sign an affidavit stating he or she could not produce a photo ID due to indigence or religious objections, for provisional ballot to be counted.	Strict	In effect.
Kansas	§25-2908, 25-1122, 25-3002, and 8-1324(g)(2)	2011	If the voter fails to provide a photo ID, he or she shall only be allowed to use a provisional ballot . Voter must show photo ID to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board for the ballot to be counted.	Strict	In effect.
Louisiana	§18:562	2012	If a voter does not provide photo ID, he or she must sign a sworn affidavit testifying to their identity and address in order to cast a regular ballot .	Non-Strict	In effect.
Michigan	§168.523	2012	If a voter does not provide photo ID, he or she must sign a sworn affidavit testifying to identity and address in order to cast a regular ballot .	Non-Strict	In effect.
Mississippi	§23-15-563	2011	An individual without ID can cast an affidavit ballot which will be counted if the individual returns to the appropriate circuit clerk within five days after the election and shows government-issued photo ID.	Strict	Not yet in effect; Will be implemented for the June 2014 primaries; Will not require preclearance, as the Supreme Court struck down Section 4 of the Voting Rights Act.
(Missouri) ¹⁶¹	SB 1014	(2006)	(Must present state or federal government ID, with name, photograph, and unexpired expiration date. Voters without ID may vote provisionally, if two supervising election judges attest to knowing the person.)	(Strict)	Not in effect. State Supreme Court overturned in October 2006.
New Hampshire	§659:13	2012	If a voter does not provide photo ID, he or she must sign a sworn affidavit testifying to their identity and address in order, or be verified by an official, to cast a regular ballot . A letter mailed to the voter within 60 days must be returned in 90 days or be investigated for mail fraud.	Non-Strict	In effect (strict voter ID law goes into effect in 2015).

¹⁶⁰ Supreme Court: *Crawford v. Marion County Election Bd.*, 553 U.S. 181, 194, 128 S. Ct. 1610, 1619, 170 L. Ed. 2d 574 (2008); *Crawford v. Marion County Election Bd.*, 484 F.3d 436 (7th Cir. 2007)

¹⁶¹ *Weinschenk v. State of Missouri*, 203 S.W. 3rd 201 (Mo. 2006); *Jackson County v. State of Missouri (Case 06AC-CC00587, 06AC-CC00656)* in the Cole County District Court.

North Carolina ¹⁶²	2013 HB 589	2013	If the voter does not provide a photo ID, he or she shall only be allowed to use a provisional ballot . This individual is to come in person to the CBOE no later than 12:00 noon on the day before the county board meets to have the ballot counted. The voter must either (1) present a photo ID that bears a reasonable resemblance to the voter or (2) declare a religious objection to photograph.	Strict	Not in effect. Scheduled for 2016. DOJ challenged the law under Section 2 and Section 3 of VRA in September 2013.
Pennsylvania ¹⁶³	25 P.S. §§ 2602, 2626, 3050	2012	If the voter does not provide a photo ID because of indigence, inability to obtain ID without payment or fee, or has a religious objection to being photographed, he or she shall only be allowed to submit a provisional ballot . A voter who is indigent and unable to obtain proof of identification without payment of a fee must submit an affirmation that he or she is the same person who appeared to vote on election day for vote to be counted.	Strict	Not yet in effect; Enjoined by the State Courts, prior to being struck down as facially unconstitutional as a violation of a fundamental right in January 2014.
Rhode Island	§17-19-24.2	2011	If the voter fails to provide a photo ID, he or she shall only be allowed to use a provisional ballot . The local board shall examine each provisional ballot to determine if the signature matches the voter's registration, in which case it shall be counted.	Non-Strict	Partially in effect in 2012; only photo ID requirement was to go into effect in 2014. In 2013, House Judiciary Committee "froze" the bill so that any government ID is acceptable.
South Carolina ¹⁶⁴	§7-13-710	2011	If the voter fails to provide a photo ID because he or she has a "reasonable impediment" to obtaining photo ID, he or she may show a non-photo voter registration card, sign an affidavit attesting to the impediment, and cast a provisional ballot . Reasonable impediments include religious objections to being photographed, a disability or illness, work schedule, lack of transportation, lack of birth certificate, or family responsibilities, Board "shall find" impediments valid, unless false, and count the vote.	Non-Strict	Partially in effect; Did not receive preclearance by the Department of Justice. DC Circuit approved law for 2013 with "reasonable impediment."
South Dakota	§12-18-6.1 and 6.2	2003	If a voter does not provide photo ID, they must sign a sworn affidavit testifying to their identity and address in order to cast a regular ballot .	Non-Strict	In effect.

¹⁶² *North Carolina NAACP v. McCroy* (Case 1:13-cv-658) in the Middle District of North Carolina; *Currie v. North Carolina* (Case 13-CV-001419) in the North Carolina Orange County Superior Court

¹⁶³ Commonwealth Court of Pennsylvania: *Applewhite v. Pennsylvania*, 2012 WL 3332376 (Pa. 2012); Supreme Court of Pennsylvania: *Applewhite v. Pennsylvania*, 54 A.3d 1 (Pa. 2012); Commonwealth Court of Pennsylvania: *Applewhite v. Pennsylvania*, 2014 WL 184988 (Pa. 2014)

¹⁶⁴ *South Carolina v. United States*

Tennessee	§2-7-112	2011	If the voter fails to provide a photo ID, he or she shall only be allowed to use a provisional ballot . Voter must return to the administrator of elections by the second business day after the election with photo ID.	Strict	In effect.
Texas	Election Code §63.001 et seq.	2011	If the voter fails to provide a photo ID, he or she shall only be allowed to use a provisional ballot . Voter must present valid ID within six days of election, sign an affidavit stating that he or she has a religious objection to being photographed or that the voter does not have identification as a result of a natural disaster within 45 days of the election.	Strict	In effect. 2012 denial of preclearance; preclearance not required after Shelby; DOJ sued under Section 2 and Section 3 of VRA in August 2013.
Virginia	§24.2-643(B)	2013	If the voter fails to provide a photo ID, he or she shall only be allowed to use a provisional ballot . Voter must present ID within 3 days of the election for provisional ballot to be counted.	Strict	Not yet in effect; Set to take effect July 1, 2014.
Wisconsin ¹⁶⁵	§5.02 (6m) and 6.79(2)(a)	2011	If the voter fails to provide a photo ID, he or she shall only be allowed to use a provisional ballot . To be counted, voter must furnish ID to the election inspectors or municipal clerk by 4pm on Friday after Election.	Strict	Not yet in effect; Wisconsin's Voter ID law was declared unconstitutional by 1 federal and 2 state courts. March 2012. Appeals court reversed in May 2013 Two state and two federal challenges to the VID law.

¹⁶⁵ *League of Women Voters of Wisconsin, et al. vs. Walker et al.*, (834 N.W.2d 393)(2013); *League of Women Voters of Wisconsin Education Network, Inc. v. Walker*, 2012 WL 1020229 (2012); *Milwaukee Branch of the NAACP v. Walker*, 2012 WL 1020254 (2012); *Frank v. Walker (Case 2:11CV-01128)* and *LULAC v. Deininger (Case 2:12 CV 0018 in the United States District Court for the Eastern District of Wisconsin*; *Jones v. Deininger (Case 2:12-cv-00185) in the U.S. District Court for the Eastern District of Wisconsin*. On April 29, 2014, a federal judge struck down the Wisconsin voter ID law both under the 14th amendment and Section 2 of the voting rights act for its "disproportionate impact" on African American and Latino voters.

About the Author

An associate of the Hutchins Center, consultant and speaker for the Houston Institute at Harvard, visiting scholar at Northwestern, and director of the Cyber Privacy Project, Richard Sobel contributed to the amicus brief in the *Cranford v. Marion County* Supreme Court Voter ID case in 2008. He also edited the Symposium on “Voter ID Issues in Political Science and Politics” in *PS: Political Science and Politics* in 2009.

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The Charles Hamilton Houston Institute for Race and Justice at Harvard Law School (CHHIRJ) was founded in 2005 by Jesse Climenko Professor of Law, Charles J. Ogletree, Jr. The Institute honors and continues the work of Charles Hamilton Houston, one of the 20th century’s most influential lawyers, who dedicated his life to using the law as a tool to end racial inequality and discrimination. By facilitating a continuous dialogue between practitioners and scholars, he ensured that legal scholarship would resonate outside the academy, and that new legal strategies would be immediately incorporated into the training and practice of lawyers. CHHIRJ uses this model to address contemporary challenges in our increasingly multi-racial society. Our long-term goal is to ensure that every member of our society enjoys equal access to the opportunities, responsibilities and privileges of membership in the United States.



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