

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 934

PRINTER'S NO. 3166

AMOUNT

\$1,000,000 in FY 2012

\$3,837,500 in FY 2012

FUND

General

Federal Funds

DATE INTRODUCED

March 4, 2011

PRIME SPONSOR

Representative Metcalfe

HISTORY OF BILL

Referred to STATE GOVERNMENT, March 4, 2011

Reported as amended, May 9, 2011

First consideration, May 9, 2011

Laid on the table, May 9, 2011

Removed from table, May 24, 2011

(Remarks see House Journal Page), June 20, 2011

Second consideration, with amendments, June 21, 2011

Re-committed to APPROPRIATIONS, June 21, 2011

(Remarks see House Journal Page), June 21, 2011

Re-reported as committed, June 22, 2011

Third consideration and final passage, June 23, 2011 (108-88)

(Remarks see House Journal Page), June 23, 2011

In the Senate

Referred to STATE GOVERNMENT, June 28, 2011

Reported as amended, Dec. 12, 2011

First consideration, Dec. 12, 2011

Re-referred to APPROPRIATIONS, Dec. 14, 2011

Re-reported as amended, March 5, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 934 amends the Election Code to require each voter to present proof of identification when he or she appears to vote at any election. "Proof of identification" is defined as:

- 1) In the case of an elector who has religious objection to being photographed, a valid-without-photo driver's license or identification (ID) card, issued by PennDOT;
- 2) In the case of all other electors who vote in person, a document that satisfies all of the following:
 - a. Shows the name of the individual and the name substantially conforms to the name of the person as it appears in the district register;
 - b. Shows a photograph of the individual;

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- c. Includes an expiration date which is not expired, except in the case of an ID card issued by PennDOT which allows a 12-month grace period for expired licenses, or military ID cards which show an "indefinite" expiration date.
- 3) The document must be issued by one of the following:
- a. The Commonwealth of Pennsylvania
 - b. The Federal Government
 - c. A Pennsylvania public or private institution of higher learning
 - d. A Pennsylvania care facility
- 4) In the case of a qualified absentee elector who is applying for an absentee ballot:
- a. For an elector who has been issued a valid driver's license, the elector's driver's license number;
 - b. For an elector who has not been issued a current and valid driver's license, the last four digits of the elector's social security number;
 - c. For an elector who has a religious objection to being photographed, a copy of a non-photo ID card issued by PennDOT;
 - d. For an elector who has not been issued a valid driver's license or a social security number, a copy of the same type of photo identification required at the polls.
- 5) A qualified absentee elector is not required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act.
- 6) For the absentee ballot applicant whose proof of identification was not provided or could not be verified by the election board, the board will send a notice with the absentee ballot to the elector requiring the proof of identification or the ballot will not be counted. If an elector fails to provide proof of identification that can be verified by the county board by the sixth calendar day following the election, then the absentee ballot shall not be counted.

The Secretary of the Commonwealth is required to prepare and disseminate information to the public regarding the proof of identification requirements.

The Department of Transportation is required to issue a non-driver identification card, at no charge, to any voter who signs a statement declaring under oath or affirmation that he or she does not possess proof of identification and that he or she requires such proof for voting purposes.

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A provisional ballot may be cast if the elector is unable to produce proof of identification. In this case, the voter must execute an affidavit and provide proof of identification by either appearing in person at the county board of elections or by submitting such proof by electronics means, fax, or copy within six calendar days following the election.

The bill permits a voter to cast a provisional ballot if they are indigent and unable to obtain proof of identification without payment of a fee or otherwise unable to obtain proof of identification. This person must appear before the county board of elections or the county board of elections must receive a copy of the affirmation by electronic means, fax, or copy within six days of the election to affirm his or her indigence in order to have the provisional ballot counted.

The Attorney General has prosecutorial jurisdiction over all violations committed under this act. The district attorney of any county has concurrent powers and responsibilities with the Attorney General.

Effective Date: For elections held after January 1, 2012 and prior to September 17, 2012, election officials at the polling place shall request that every elector show proof of identification. However, if an elector fails to provide proof of identification and the elector is otherwise qualified, the elector may still cast a ballot. For elections beginning September 17, 2012, proof of identification will be required to vote at every election or a provisional ballot must be cast and the elector will be required to provide proof of identification within six calendar days after the election.

FISCAL IMPACT:

The Department of State (DOS) will use the federal funds available through the Help America Vote Act (HAVA) to fund the cost of the education and outreach provisions in the bill in calendar year 2012. All forms of advertising, including newspaper, radio, TV, web, mailings and telephone calls before both the primary and the general elections will cost about \$3,837,500 in federal funds. The DOS has allocated approximately \$4 million in HAVA funds to cover all these types of information dissemination provisions.

The DOS will be responsible for reimbursing PennDOT for the cost of producing the non-driver's license identification (ID) cards to be issued at no charge to a voter who signs a statement declaring under oath or affirmation that he or she does not possess proof of identification and that he or she requires proof of identification for voting purposes. PennDOT states that their cost of producing a non-license ID card is \$13.50 each. It is assumed that about .929% of registered voters in the state do not have a PennDOT ID card. Applying that percentage to the number of registered voters as of 4/18/11 and multiplying that result by the \$13.50 yields a total estimated cost of \$1,024,191 for the latter part of FY 2011-12 and early FY 2012-13.

The Governor's proposed budget for FY 2012-13 contains a General Fund appropriation of \$1,000,000 to reimburse the Motor License Fund for the costs of issuing photo identification cards for voter purposes.

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In future years, the DOS will continue to incur costs for reimbursing PennDOT for renewing non-license ID cards which will be issued at no charge to voters who sign a statement declaring under oath or affirmation that he or she does not possess proof of identification and that he or she requires proof of identification for voting purposes. Per PennDOT, the average number of non-license ID renewals per year is 215,000. Per DOS, as of the June 30, 2011 CVAP report to Congress, the registration rate of the voting age population for active voters is 78%. If it is assumed that all of the estimated 167,700 possible active voters who would renew their non-license IDs would sign statements declaring under oath or affirmation that they do not possess proofs of ID and they require such proofs for voting purposes, the cost to DOS to reimburse PennDOT in each future year could maximally be about \$2.264 million.

Because the bill requires additional voter identification information on absentee ballot applications, the counties will need to have their printed absentee ballot applications redesigned to properly protect such information during mailing. The printer of the absentee ballot applications for the majority of counties has advised DOS that increased printing costs of up to 30% could result. However, the number of printed applications needed by the counties should be significantly reduced by the new DOS application system for absentee ballots scheduled to come online by the summer of 2012.

Regarding the counties' dissemination of new proof of identification requirements, the DOS is recommending that the counties publish the new requirements in their required newspaper notices before every election, and therefore, not create any new additional costs to the counties.

Section 1854 provides that the Attorney General shall have prosecutorial jurisdiction over all violations committed under this act. The Office of the Attorney General presently has jurisdiction over violations of the Election Code under 25 P.S. § 3260b and therefore, does not believe that this bill's provisions will have any fiscal impact on their office.