

March 25, 2009

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Krystal Paris
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed statutory initiative related to voter identification at polling places (A.G. File No. 09-0005).

Background

Voting Requirements. Federal law requires first-time voters who register by mail to provide identification at some point in the voting process (either when registering or voting). If identification is not provided, first-time voters can still cast a “provisional” ballot. Provisional ballots are conditional ballots, with voting eligibility confirmed after the election. Other voters are not required to show identification when they vote in person at polling places.

Active Duty Military Voting Requirements. Under current law, ballots cast by active duty military personnel are accepted if postmarked on or before the 15th day prior to the election.

Voting Rights of Probationers. In 2007, there were approximately 270,000 Californians on active probation. Under current law, citizens on probation are permitted to cast ballots in elections.

Department of Motor Vehicles (DMV) Fees for Identification. The DMV assesses fees for new and replacement identification cards. These fees are \$20 for most individuals. For individuals that meet certain low-income eligibility requirements, the fee is \$6. There is no charge for seniors.

Proposal

This statutory initiative makes various changes to state voting practices. Specifically, it:

- ***Requires Identification for Voting at Polling Place.*** This measure requires all voters who vote in person at polling places to show picture identification. Poll workers would be required to confirm a voter's identity and record the form of identification used. Voters not providing the required identification could still cast provisional ballots.
- ***Allows More Time to Submit Active Duty Armed Forces Ballots.*** Active Duty Armed Forces ballots would be accepted by an elections official if they are signed and dated (or postmarked) by the election day and are received by an election official no later than 21 days after election day.
- ***Makes Probationers Ineligible to Vote.*** Under the measure, citizens on probation would not be allowed to cast a ballot in elections.
- ***Waives Fees for Identifications Used to Vote.*** Any fees associated with obtaining a valid identification card for the purpose of voting at a polling place would be waived.

Fiscal Effect

Counties determine how many precincts and poll workers to use at each election based on the number of expected voters and the time it takes for each voter to cast a ballot. This measure would have various fiscal impacts on government (primarily counties). For example, it would increase costs by:

- Requiring additional information to be verified at polling places.
- Potentially increasing the number of provisional ballots cast, which take longer to process than standard ballots.
- Extending the time allowed for receipt of ballots cast by active duty military personnel, which could increase the number of vote by mail ballots cast and reviewed by county election officials.

On the other hand, by eliminating the right to vote for individuals on probation, the measure would reduce the number of ballots cast in an election. There would likely be a net cost to government (primarily counties) from all these provisions. These costs, however, probably would not be significant.

The DMV collects in the range of \$26 million in fee revenues each year from new and replacement identification issuances. To the extent that individuals requested identification cards for the stated purpose of voting in a polling place, there could be reductions in the amount of fees collected by the state for new and replacement identification cards. These reductions in fee revenues would likely not be significant.

Fiscal Summary. This measure would have the following fiscal impact:

- Some increased government costs associated with voting in elections. These costs probably would not be significant.

Sincerely,

Mac Taylor
Legislative Analyst

Michael C. Genest
Director of Finance