



**The Nelson A. Rockefeller Center at Dartmouth College**

*The Center for Public Policy and the Social Sciences*

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### **Voter Identification Reform in New Hampshire**

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#### *Options for Reforming Voter Identification Requirements*

**Presented to the Election Law Committee of the New Hampshire  
House of Representatives**

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### **EXECUTIVE SUMMARY**

Presently, New Hampshire is one of twenty states in the country that does not require identification to vote. In 2011, the New Hampshire General Court passed Senate Bill 129, which would have required that voters present a valid state or federal government-issued photograph identification (photo ID). Governor Lynch vetoed the bill, saying that it would disenfranchise segments of the population and claiming that New Hampshire does not currently see many cases of voter fraud. However, debate on the issue continues, and the state legislature is again examining options for reforming voter identification requirements in the 2012 legislative session.

This report examines the potential policy options associated with voter identification and looks at the costs and benefits offered by each choice. After a review of the current requirements for voter registration and voting in New Hampshire, we investigate the degree to which eligible voters already possess government-issued photo identification in the state; we estimate that approximately 97 percent of eligible voters in NH already possess photo identification issued by the NH Division of Motor Vehicles (DMV). We then consider the possible effects of different types of voter identification laws, including benefits (e.g., reducing opportunity for electoral fraud), costs (e.g., monetary implementation costs, potential disenfranchisement), and unintended consequences (e.g., reduced voter turnout). We also identify the specific demographics that a more stringent voter ID requirement are more likely to affect, and discuss the ways the state could make a transition easier for these groups. Not surprisingly, we find a direct relationship between efficacy at deterring voter fraud and cost: options that make fraud more difficult have higher direct, indirect, and externalized costs. Through our report, we hope to inform the debate on voter ID requirements by providing a balanced summary of the potential costs and benefits of voter ID laws in New Hampshire.

### **1. BACKGROUND**

The Secretary of State of New Hampshire requires that all voters show proof of citizenship, age, and domicile to register to vote. Virtually all towns/cities in the state allow voters to complete affidavits in place of physical documents to fulfill each requirement. In addition, voters can pursue absentee registration. Those with “a physical disability, religious beliefs, military service, or because of temporary absence,” can register remotely through providing a witnessed absentee registration affidavit along with the standard voter registration form. To vote in New Hampshire, no identification is required at the polling location. Voters receive ballots after identifying themselves to the polling clerk and are checked off a list of voters at the polling location. Voters also have the option of registering at the polling location, and are subject to the same rules outlined above. In addition, voters can request absentee ballots in the event that they are absent from their town/city on the day of an election, are observing a religious commitment, or have a physical disability. A written request must be made to the town/city clerk’s office



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along with the individual's legal address. No proof of identity is required to receive the ballot.

Given these light requirements for registration and voting, electoral fraud would be easy to perpetrate in NH. However, our literature review found little documented evidence of incidences of voter fraud in New Hampshire, or elsewhere in the country. From 2002-2007, the Department of Justice conducted a campaign to uncover incidences of voter fraud across the country. The investigation found 120 cases of individuals charged with voter fraud of which only 86 were convicted; the investigation concluded that all of the incidents were isolated and did not constitute broad-based attempts to conduct voter fraud.<sup>1</sup> However, scholars such as Simcox have noted that the Department of Justice investigation was misleading because it only looked into cases in which it was involved and not cases that were handled at the state level, including those that may have been "handled quietly and without criminal penalties." He alleges that U.S. attorneys are reticent to prosecute individuals accused of voter fraud when they do not feel that the individuals were acting in an organized fashion or were deliberately trying to fraudulently influence elections.<sup>2</sup>

However, much of the problem of determining the true extent to which voter fraud actually occurs lies in the difficulty in catching voter fraud. On voting day, a fraudulent vote is as simple as knowing the name of an individual registered to vote at the polling location in question, and being willing to perjure oneself. The only means of discovering such fraud is if the impersonated individual arrives to vote at the location after the fraud has taken place. With low turnout and as the polls draw nearer to closing time, the probability of such an occurrence dwindles. Indeed, this problem is magnified by the existence of same-day registration, as it would be theoretically possible for an individual to register and vote on the same day in two different states and cast two ballots.

Although the extent of voter fraud in the state may be unclear, lawmakers are primarily concerned about the potential for fraud to occur, especially given the significant effect it may have on narrow local and state elections. The ease of fraud was recently demonstrated by the Project Veritas organization. On January 11, 2011, this organization released a video purporting to uncover electoral fraud during the 2012 New Hampshire Primary.<sup>3</sup> The video shows several individuals visiting polling locations on the January 10, 2012 primary election using the names of recently deceased registered voters in Manchester and Nashua to acquire ballots. In the nine encounters showcased in the video, election officials tell the individuals using the names of deceased voters that they do not need to show ID to cast a ballot. The video does not show any of the individuals casting a ballot, and in all nine cases show the individuals leaving the polling place after receiving the ballot. The interactions with poll clerks were filmed using hidden video cameras.<sup>4</sup>

The Project Veritas video raised public awareness of the ease of committing voter fraud in NH, and refocused political debate on the issue. In the wake of growing concern over



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the ease of potential fraud in the state, and the extent to which fraud actually occurs, this report attempts to analyze the effect that various reforms may have on lowering the risk of fraud and how such reforms may affect turnout statewide, particularly as it relates to minority groups. In addition, we attempt to estimate the cost that may accompany some of these reforms.

### **2. ESTIMATING THE EXTENT OF PHOTO ID POSSESSION**

Most policy options for curbing voter fraud have utilized a requirement for government-issued identification when voting. To better understand how easy or difficult it would be to ensure that all residents of New Hampshire have access to government-issued identification, in this section we estimate the extent to which New Hampshire's voting-eligible population currently possesses government-issued photo identification.

Nationwide, the academic literature provides a relatively high number of eligible voters who do not have government-issued photo ID. A national survey by the Brennan Center for Justice, conducted through phone interviews with 987 randomly selected individuals across the country, indicated that this number is around eleven percent.<sup>5</sup> This number was disproportionately high among seniors, African-Americans and low-income voters at eighteen, twenty-five and fifteen percent, respectively. The study also found that seven percent of eligible voters do not have easy access to documentation necessary to acquire the proper government-issued photo identification, such as birth certificates, passports, or naturalization forms. Thus, even if measures were taken to reduce the 11-12 percent without adequate ID, four-to-five percent would still need to procure the necessary documentation to apply to receive a government-issued photo ID. It is important to note that these studies were taken at a national level, and may not entirely represent the case of New Hampshire; our next step was to develop a specific model of government-issued identification distribution for New Hampshire.

In trying to assess how many eligible voters in New Hampshire already possess some form of state or federal government-issued photo identification, we contacted multiple state and federal officials to gather statistics on the distribution of IDs. We received a response from Ms. Roberta Bourque from the New Hampshire Division of Motor Vehicles, which provided us with the number of DMV-issued active driver's license and non-driver ID holders in the state.

In order to estimate the percentage of eligible voters holding either a driver's license or non-driver ID, we first broke the data down by age and removed those under the age of 18, leaving us with 1,012,839 active DMV-issued ID holders over the age of 18. Out of these, we subtracted out three percent to account for the percentage of non-citizen residents who live in New Hampshire, bringing our number down to 982,454 (this assumes that the proportion of ID-holding non-citizen residents is the same as the proportion of non-citizen residents in the general population). We divided the result by



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the voting eligible population of New Hampshire according to the 2010 United States Census (1,011,125). From this, and assuming that the data is accurate, our assumptions are valid, and that population growth since 2010 has not affected proportions of ID-holders, we estimate that approximately ninety-seven percent of eligible voters in New Hampshire possess DMV-issued photo ID, leaving about 28,672 eligible voters who currently do not possess a DMV-issued form of ID.

While based on the best available data, these figures should be regarded as rough estimates given the number of unverifiable assumptions underlying our calculations. We also acknowledge that our estimates are contingent on the reliability of the DMV data, namely that it is up to date and provides only the number of currently active ID-holders in the state.<sup>6</sup> It should also be noted that this only covers NH DMV-issued ID; it is impossible to account for the overlap between those holding different forms of identification (e.g., passports, military identification) without carrying out a general census.

Assuming these numbers are accurate, it appears that New Hampshire has a larger proportion of license holders than the United States as a whole. This could be due to a few possible reasons. New Hampshire's relatively small population may have made it easier for the state to distribute identification. New Hampshire also is relatively rural, as its largest city has a population of just fewer than 110,000. This combined with the lack of major public transportation options in New Hampshire's cities may force residents to rely on driving themselves, and encourage them to get drivers' licenses. In addition, it is important to note that if these numbers are accurate, then more New Hampshire residents have DMV-issued photo ID than are registered to vote in the state. (The number of registered voters in New Hampshire is 767,383 as of December 2011.) It is thus impossible to reject the hypothesis that every registered voter already possesses government issued photo ID, although we think this is unlikely.

### **3. OPTIONS FOR CHANGING VOTER REGISTRATION**

Voter fraud is enabled by two systemic factors: the nature of a state's voter registration system, and a state's requirements for voter identification. This section analyzes the options for changing voter registration laws in the state, and the following section addresses options for changing requirements for voter identification.

#### *3.1 Remove Registration by Mail*

In New Hampshire, one of the ways a person may register to vote is by mail. If a New Hampshire resident is eligible to vote and claims he or she is unable to register in person due to religious beliefs, disability, or temporary absence, he or she may register by mail. In order to register by mail, one must call the town clerk and request a voter registration form to be mailed out. The voter then completes the registration form and signs an





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affidavit verifying eligibility status, including local residency, and returns these to the town clerk; then one is free to vote either by absentee ballot or at the polls.

This system enables possible voter fraud because those registering by mail would not need to show their face, nor any form of identification or residency documents, to the town clerk at any point in the process. In addition, we believe that it is intuitive that absentee ballots often go hand-in-hand with registration-by-mail, and some scholars contend that the use of absentee ballots in states has made it more convenient and safe for non-citizens to vote fraudulently as it reduces the risk of being discovered at the polling location.<sup>7</sup> By eliminating this possibility, the state of New Hampshire would close the door on any fraud that may be occurring through the mail.

However, there are significant potential downsides to such a reform. For one, fraud may not be extremely prevalent through voter registration-by-mail, as it does require the effort of demonstrating one's inability to register in person and forging the proper paperwork to notarize the voter registration forms. Taking away voter registration by mail would also disenfranchise those who are actually disabled, out-of-state, or have other legitimate reasons why they cannot register in person; this bill would also disenfranchise those serving in uniform abroad. Moreover, given the aging of the NH population, and the increasing tendency towards home and community-based long-term care for the older population, the population of voters utilizing mail-based registration may increase. In addition, there is currently no state without an option for registering by mail, leaving us with no empirical evidence on possible consequences of such a change.

### *3.2 Remove Same-Day Registration*

Under New Hampshire's current voter registration laws, eligible voters can register on Election Day at the polls, making New Hampshire one of nine states that allow same-day registration. Presently, registering on Election Day is as simple as bringing town clerk-approved identification and residency documentation (e.g., utility bill) to the polls and filling out the necessary paperwork on site. If one does not possess the proper identification, an affidavit may be signed explaining that one does not have identification but is still an eligible voter in the state of New Hampshire.

Critics of this system suggest that same-day registration makes voter fraud easy. On Election Day, town clerks and state election officials do not have time to critically look over registration credentials and verify their legitimacy. Another possible problem that arises with same-day registration is that it makes it easier for those who would like to vote in multiple states.

While eliminating same-day registration would make it more difficult to commit this type of electoral fraud, it may also have unintended consequences for voter turnout. According to a study by the Brennan Center for Justice, states that have same-day-registration had



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twelve percent greater turnout in the 2004 elections and seven percent greater turnout in 2008 compared to states without same-day registration.<sup>8</sup> Hershey contends that same-day registration accounts for the largest discrepancy in turnout between states. He argues that if same-day registration were allowed in all states that turnout would increase by 6.1 percent nationwide.<sup>9</sup> There is also a lack of evidence confirming that same-day registration in fact leads to voter fraud, as the bipartisan Election Assistance Committee has found no cases of fraud in any same-day registration states.<sup>10</sup>

Another viable option to consider would be to employ more workers on Election Day to more thoroughly verify registrants' credentials. This method would come with significant costs, however, and may not be feasible or palatable given the current fiscal situation.

### *3.3 Eliminate Affidavits*

Another option that New Hampshire could consider would be to eliminate any of the affidavit options that currently exist in voter registration. Whether registering through the mail, in person ahead of the election, or at the polling place on Election Day, if a prospective voter is missing proper identification he or she can simply sign an affidavit confirming his/her identity before voting. The affidavit option exists to accommodate those whose religions or cultures do not permit picture taking or who have legitimate obstacles to getting proper identification. However, it makes the system easy to abuse, as anyone who is willing to lie can commit voter fraud in New Hampshire.

As an alternative, New Hampshire could accept a different form of identification for those whose background prevents them from presenting some form of photo ID or could require a higher burden of proof from those claiming they have these cultural or religious barriers. A non-photo voter ID could serve this function, and is used, for example, in Virginia.

This option would be controversial as some may view it as discriminatory towards people from certain cultural backgrounds. It could also potentially lower voter turnout, as those who do not have access to adequate identification and who are voting honestly may be disenfranchised. This law would also be uncharacteristically strict, as even states with the strictest voter ID and voter registration laws allow some form of an affidavit for those with religious or cultural objections. This also means that, like the option of removing registration-by-mail, there is no literature or evidence on the efficacy of such a reform at mitigating voter fraud, or on its other consequences.

### *3.4 Remove Town Clerk Autonomy*

As it currently stands, town clerks have autonomy in determining what constitutes acceptable forms of voter identification. State law in New Hampshire only requires that residents show proof of age, citizenship and domicile when registering to vote. However,





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the town clerks have autonomy to determine what exactly can be used to prove eligibility. Most towns allow the use of affidavits to prove domicile and citizenship. All towns, in accordance with state law, also offer absentee registration. The state could investigate streamlining the requirements for voting in towns and standardizing the process across all towns in the state by reducing or eliminating the autonomy of town clerks for decision-making with regard to voter registration requirements. This would add a degree of fairness to the process, as it would remove discrepancies in requirements from town to town. It would, of course, come with significant political and fiscal costs, and would potentially remove the public officials with the most familiarity with members of the population from the process.

### 4. OPTIONS FOR CHANGING VOTER ID REQUIREMENTS

Rather than looking at laws regarding voter registration, most of the discussion in the state legislature, and nation-wide, has been focused on changing voter identification requirements. Senate Bill 129, which was vetoed by Governor Lynch, would have required voters to show a valid photo ID to cast a ballot. We now look at the impacts that a photo ID law would have on citizens of New Hampshire and examine the other options that the state has in enacting voter ID laws.

#### *4.1 Enacting a Strict Government-Issued Photo ID Requirement*

The state could enact a law that would require all voters to present a government-issued photo voter ID before casting their ballot. In the case of an absentee ballot, a copy of the ID could be submitted to a town clerk or an election official along with the mail-in ballot. A government-issued voter ID could include any type of photo identification issued by either the United States federal government or any state government of the United States. As stated in the text of SB 129, which contained most of this proposal's components, the identification would need to show the name of the individual to whom the identification was issued and this name would need to substantially conform to the name in the individual's voter registration record.

Determining what constitutes acceptable "government-issued" photo identification has proven complicated. All seven states with strict government-issued photo ID laws accept an unexpired driver's license, non-driver's ID issued by a motor vehicle department, U.S. passport, or U.S. military photo ID. All states except for Kansas and South Carolina also accept U.S. naturalization documents bearing a photo. Alabama and Tennessee broadly accept any photo ID issued by state and federal governments, though Tennessee expressly excludes student IDs from consideration. Only Alabama and Kansas accept student photo IDs issued by state institutions of higher education. Wisconsin purports to accept certain state-issued student IDs, but a new state law imposes criteria for such IDs that few if any state schools' IDs meet. Kansas and Texas expressly allow concealed handgun licenses, and Alabama and Tennessee accept such IDs as well. Only Alabama



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and Wisconsin accept a tribal ID card with a photo. SB129 would have required all New Hampshire voters to present a non-expired photo ID from either the federal government, the state, a New Hampshire municipality, a licensed school or one approved by the post-secondary education commission, or a business or institution recognized by local election officials.

These states also differ in their requirements for absentee voting. Only Alabama and Kansas require all persons who vote absentee to submit a copy of their photo IDs with their mail-in ballots. Those states are now the first two states in the nation ever to require photo ID with absentee ballots. Wisconsin requires permanent absentee voters to submit a copy of their photo IDs, but only the first time they vote absentee. As a practical matter, all absentee voters in Wisconsin will have to provide a copy of their photo IDs when the law first goes into full effect in 2012. Unfortunately, the scarcity of laws requiring photo IDs with absentee ballots means there is extremely limited research on the effects of such a law in preventing fraud.

One of the natural advantages of this option is that it eliminates much of the potential for voter fraud. A strict photo ID law is an effective measure of preventing fraud by voters illegally casting ballots in the name of other registered citizens, real or imagined. It is also definitively more reliable than a sworn affidavit, which the voter can merely bypass by lying, or a non-photo/non-government issued ID, which cannot confirm with the same degree of certainty the identity of the individual voter. Of course, a determined criminal seeking to commit electoral fraud can obtain photo identification, apparently-government-issued, that could pass review by most town clerks and election officials.

While a strict photo ID law makes voter fraud much more difficult, evidence suggests such a reform also has the potential to exclude large portions of the electorate, especially those characterized as low-income, racial minority, disabled, minority-language young, and older citizens.<sup>11</sup> Smith and Sobel find similar results, citing lack of mobility, lack of permanent address, difficulties navigating administrative checkpoints, lack of birth certificates (necessary to procure IDs) or linguistic barriers as barriers to acquiring government-issued photo IDs.<sup>12</sup>

Keeping to the status quo and not enacting new voter ID requirements would also avoid the unfortunate effect of reducing voter turnout. A literature review by Vercellotti and Andersen stresses the evident notion of learning curves when looking at effects of voter ID requirements on turnout. Their research finds that the effect on turnout is greatest when these requirements are first implemented, as most voters are unaware of the rules. Some voters may not be able to fulfill new requirements and others who may have attempted to vote fraudulently cannot do so anymore, reducing turnout significantly. The research asserts that only adequate state-sponsored media campaigns raising awareness about regulation changes and how to prepare to vote can mitigate the impact of these proposed reforms on turnout.<sup>13</sup>



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In general, however, statistical analyses of the effect of voter ID laws on turnout have largely concluded that such laws negatively affect turnout, especially among disadvantaged groups. The Election Assistance Commission published a study in 2004 that showed that individuals in states with photo ID requirements in place were 2.9 percent less likely to vote than individuals in states with no such requirements. When narrowed down to certain communities, the less educated and racial minorities were found to be 5.1 percent and ten percent times less likely to vote, respectively.<sup>14</sup> Another study done by the California Institute of Technology on the four federal elections between 2000 and 2006 found a negative correlation between the reforms and turnout, particularly among and low-income and low-education voters.<sup>15</sup> If the state chooses not to enact a voter ID requirement, these negative effects will be avoided.

Vercellotti and Andersen contend that voters may not be prepared to have this identification with them when they go to vote as they don't regularly carry adequate identification such as driver's licenses. The prior preparation that may be involved for members of these social groups may disincentivize voting as not all voters may be aware of these requirements and may not have access to these documents. In addition the authors present data showing that members of racial and ethnic minorities, the poor and youth groups have high levels of residential mobility, making it even harder for these groups to provide proof of domicile through government-issued photo identification. For those who move frequently, becoming eligible to vote would mean re-applying for government ID on an inconvenient basis.<sup>16</sup>

While most academic literature on the topic argues that more stringent requirements for identification will reduce voter turnout, strict photo ID laws have not been in effect long enough to allow for thorough and accurate analysis. Some argue that a law strengthening requirements might actually increase voter-turnout. For example, De Alth has shown that the mere perception of voter fraud harms voter confidence, which could potentially reduce turnout. She found that fifty-nine percent of Americans believe there is a significant amount of fraud in elections; this may dissuade them from voting by removing the confidence they may have in their vote.<sup>17</sup>



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A strict photo ID law also carries direct monetary costs. In many ways, a strict photo ID requirement could even be considered similar to a poll tax. While the US Supreme Court ruled in *Crawford v. Marion County Election Board* that states must offer photo ID for free (assuming there is a strict photo ID requirement), citizens still must produce documents that cost money (such as passports and birth certificates) in order to obtain them. For example, a citizen would have to travel to/from the ID-distribution center (potentially costly for a person without a driver's license, especially if located far from a DMV substation) and of course, the identification will carry manufacturing and distribution costs that will be born by taxpayers.

The costs of setting up an infrastructure for producing and distributing these voter identification photo IDs at the individual town level would also be significant, if IDs are made and distributed at the local level. The fiscal note for SB129 provided that the legislation would have an "indeterminable" impact on state and local budgets, but predicted substantial costs to implement the photography provisions of the bill, given that the state currently has no system in place to fulfill this requirement, and estimated the cost of implementation to be between \$1,000 and \$3,000 per polling place. The Department of State projected the total implementation cost to fall between \$330,000 and \$990,000. The Department also stated annual costs for training could be as much as \$50,000 per year. The state currently charges ten dollars per license issued, meaning that if the state distributed ID to the approximately 28,000 people we estimate do not possess ID, and if the marginal cost of the new ID is similar to that of the driver's license, the program would have an initial direct cost of about \$280,000, plus the cost of distribution.

In addition to taking and storing photos of voters who lack ID, the state will need to undergo substantial education and outreach efforts to identify and notify voters without ID about the ability to obtain one, as well as notifying all voters about the new ID requirements, which may be required to avoid legal challenges. Missouri, for example, estimated it would cost \$16.9 million to reach effectively the state's four million voters to advise them of the new ID requirements. When Georgia implemented its photo ID law, in to withstand legal challenge, the state ultimately subsidized advertising, public service announcements, postings in libraries and other public places, and notices in utility bills, in order to adequately inform and educate voters.<sup>18</sup> Although New Hampshire has a much smaller population than either of these states, even scaling the notification effort down to the size of its population would leave the state with a multi-million dollar expense. Other potential costs include the training of election judges, alteration and reprinting of forms, hiring of additional election staff, and other legal and administrative costs.

In sum, a strict, government-issued photo ID law offers the best defense against electoral fraud, though still does not guarantee complete immunity. At the same time, these measures come at a high cost to the state and offer the potential for unintended negative consequences. Principally, such measures may exclude large portions of certain groups within the electorate.



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### *4.2 Enact a Photo ID Requirement with Non-Government IDs Allowed*

Rhode Island offers an alternative option for the states to consider, one that would require photo identification but from a wider range of sources. Unlike the other states that provide a narrow list of acceptable photo IDs, Rhode Island broadly accepts any ID, even those not issued by the federal or state governments, as long as it clearly shows the voter's name and photograph. Second, although Rhode Island now requires that all voters present photo ID before receiving a ballot in person, a voter without photo ID may sign an affidavit that she does not have a photo ID and cast a provisional ballot that will count if the signature on the ballot matches the voter's registration signature. In other words, a voter without photo ID can still cast a ballot that will count.

Although an alternative like this may not have the same fraud-reduction potential as a strictly government-issued photo ID law, it still requires more proof of identity than the status quo (no required ID) and in the case of Rhode Island, this option generated more bipartisan support. Also, this alternative would be significantly less costly to the state government as it would not require the state to provide free photo IDs to those who do not possess them for various reasons (they would instead merely sign the sworn affidavit affirming the reason).

Naturally, permitting and excluding particular types of IDs from the list of what New Hampshire would consider "acceptable identification" would impact certain voter groups. For example, labeling student IDs from private academic institutions as an acceptable form of identification would significantly reduce student barriers to voting, but may also increase the potential for fraud as student IDs come from a source outside of the control of either the NH or U.S. government. This possibility holds true for all forms of photo identification that are not issued by the government, as there is really no way for election officials to determine with certainty whether or not the ID is legitimate.

Thus, although this option does present a relatively weaker barrier to possible voter fraud, it also entails less of a cost to the state and does not have as much potential to reduce voter turnout. It may not be stringent enough to eliminate all fraud, but requiring some form of photo ID to be presented on Election Day does at least reduce the likelihood that the voter will pretend to be another individual.

### *4.3 Enact an ID Requirement Allowing Non-Photo ID*

Instead of a photo ID, New Hampshire could simply require voters to present some form of identification that does not necessarily have to include a photo, such as a utility bill or a bank statement with the voter's name and address. All voters could still be required to show some form of identification at the polls, but the list of acceptable IDs would become much larger and more accessible to the general electorate. The state could also





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provide a non-photo voter ID at the time of registration, as do some other states, at significant cost savings compared to a photo ID.

Sixteen other states have laws that require a non-photo voter ID. Most of these states also have an option to waive the identification requirement in favor of a provisional ballot. In this case, the voter is usually required to either present some form of identification within three days after voting or sign a sworn affidavit affirming his or her identity. If this obligation is not fulfilled or the state election officials have reason to suspect that voter fraud may have occurred, many state governments permit their attorney general's office to launch an investigation into any voters who pursue either of these two options.

Obviously, this proposal has the advantage of providing a wider range of acceptable IDs, which will likely decrease the potential effect of the law on voter turnout even more than the previous option. However, it also eliminates the necessity for photo IDs entirely, which could make it considerably less difficult to commit many types of voter impersonation fraud. It does still provide some form of a potential safeguard against fraud, at a substantially lower cost than other options, but the option of an affidavit could essentially make the law more or less the same as under the status quo while incurring the extra state and local government costs of training election officials and spreading awareness about the new requirements.

### *4.4 Maintain the Status Quo*

Another possible alternative is that New Hampshire could simply maintain current requirements under the status quo, in which voters are not required to present any form of identification in order to cast their ballots. Voters are, however, currently required in many larger New Hampshire cities to present a form of identification in order to register to vote. It should be noted that this is not necessarily the case in smaller and more rural New Hampshire towns, where the only statutory requirement is that the election official on site merely needs to be satisfied that voters are who they say they are in order to let them both register and cast their ballots.

An investigation undertaken by the New Hampshire Attorney General's office in 2010 found that out of the 352 New Hampshire residents who registered to vote from 2006 to 2010 without any form of photo identification, all 352 were also confirmed as residing at their listed addresses. In other words, ID-less voter registration—one of the key “loop holes” assumed to enable electoral fraud—was not utilized for voter fraud from 2006 to 2010. Unfortunately, there has been no similar investigation into Election Day voter ID law compliance. The state government might therefore consider conducting a study of fraud in NH, focused on Election Day itself, to gather more information about the strength of existing voter ID laws.

Maintaining to the status quo and not enacting new voter ID requirements would avoid





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the effect of reducing voter turnout. This option is also the least expensive and cumbersome for the state to implement, as it does not require any further funds to be appropriated towards voter ID laws. However, sticking to the status quo does nothing to reduce the existing potential for voter fraud in NH.

### **5. CONCLUSION**

Changes to the laws governing voter ID and registration are controversial: both citizens and legislators are very sensitive regarding the right to vote and are fearful of the potential for fraud in the existing system. There is a trade-off between a proposal's increased ability to prevent fraud and its higher costs and potentially reduced voter turnout. This controversy has remained a powerful force in the minds of many other states, which have attempted to address their voter ID requirements and registration laws in a myriad of ways with differing degrees of success. In order to ensure that New Hampshire makes the best possible decision on these laws, state legislators should carefully consider all of the possible advantages, costs, and drawbacks of each alternative before making a final decision. Lawmakers should be particularly cognizant of the limited data and research available on these options and their consequences, and indeed the extent to which voter fraud occurs in the state. If nothing else, our research indicates the need for further research and monitoring of these issues in the future.



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