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POSC 199

Recently, states have moved toward making voting and registration to vote easier for voters and potential voters, adopting legislation for early voting, easier registration, permanent absentee voting, and same day voter registration. An exception to this trend has been the implementation of voter ID laws that have made voting harder for some groups of people. Officials and who support the implementation of voter ID laws claim that they are meant to combat voter fraud, but the largest effect they have is that they disenfranchise minority groups. Voter ID laws are more harmful than they are beneficial. This paper seeks to analyze voter ID laws and assess their effects on black voters. I will start out by defining voter ID laws and will give some background for them, then I will discuss the barriers that ID requirements present for certain groups, next I will address the role that partisanship in this issue, after that I will address potential arguments for voter ID laws, and finally I will argue a case against these laws.

Voter ID laws, simply defined, are state laws that require voters to prove their identity in during the voting process. These laws can be categorized in two different ways based on the types of identification they require. The first category of voter ID laws group together state laws that “require identification in order to have one’s vote counted” (Niemi and Dyck 2014). The second category consist of state laws that “request identification but allow one to vote by verifying identity in another way [such as verifying one’s signature]” (Niemi and Dyck 2014). The first category of voter ID laws is the strictest because these laws generally require voters to present an identification card issued by either the state where the law is implemented or the federal government. In other words, a voter must have a driver’s license, a state identification card, a federal passport, etc. The forms of identification required vary from state to state. For example, in the state of Texas, a license for concealed handgun carry issued by the Department

of Public Safety is an acceptable form of identification to fulfil the voter ID requirement there but a student identification card issued by a university like Texas State University is not accepted (Office of the Texas Secretary of State 2012). There is variation in voter ID laws, but those requiring voters to produce identification in order to vote are harmful to some groups of people.

When it comes to election administration practices, voter ID laws are relatively new. In 1950, South Carolina passed the first law that required voters to show identification in order to vote (Niemi and Dyck 2014). Under this law, the required forms of identification were not specified, making it a lot less strict than the voter ID laws seen today. From 1970 to 1980, Hawaii, Florida, Alaska, and Texas all passed voter ID legislation and implemented them. The largest movement towards the implementation of voter ID laws came in the twenty first century when, by 2014, thirty-four states had adopted some form of a voter ID law (Underhill 2015). Eight states out of those thirty-four adopted and implemented strict voter ID laws. An example of one is the voter ID requirement passed by Indiana in 2005. The Indiana law requires that voters must produce proof of identification that shows a picture of them, is valid, is state or federal issued, and the name on the proof of identification must match exactly the name on the rolls at the polling place where they will vote (Barreto, Nuno, and Sanchez 2009). Strict voter ID laws like the one in Indiana are the newest form of voter ID statutes. These laws are protected by a number of mechanisms.

The implementation of voter ID laws by states has been made possible by the Constitution and the federal government. Article I, section 4 of the United States Constitution gives states the power to oversee the administration of elections. Due to this, elections and election practices may vary a lot or a little from state to state. Since there is no uniform implementation of election practices, some states are able to pass voter ID laws while others are

not able to do this. This also accounts for the reason why, out of the states that do have voter ID laws, some have requirements that are stricter than the requirements in other states. Due to the fact that the Constitution delegates election administration powers to the states, the federal government is unlikely to overturn election laws passed by states if at all. In 2008, a court case regarding Indiana's voter ID law reached the Supreme Court in an attempt to overturn it. The case, *Crawford v. Marion County Election Board (2008)*, challenged Indiana's strict law but the Supreme Court ruled in favor of the Marion County Election Board. The Court stated that since the Indiana law was aimed at preventing voter fraud, the state was free to implement this law (Kent College). This ruling paved the way for other states to adopt similarly strict voter ID laws framed the same way as Indiana's. The total of strict voter ID laws jumped from two, Georgia and Indiana, to eight by 2008 (National Conference of State Legislatures 2015).

Voter ID laws, especially strict ones, create an unfair barrier to voting for some groups of people. Voter ID laws prevent those who do not have access to proper forms of identification from voting in elections. These laws may not explicitly bar groups from voting, but they present a clear access problem for minority groups. In a study on Indiana's voter ID law, only 66.7 percent of all blacks surveyed who were registered to vote had access to a driver's license compared to 86 percent for whites registered to vote (Barreto, Nuno, and Sanchez 2009). In this particular study, whites are almost 20 percent more likely to have access to a driver's license than blacks. In this same study, only 71.7 percent of blacks in the voting eligible population that were surveyed had access to a valid ID with their full name on it compared to 83.2 percent for whites. It is clear that voter ID laws present a barrier to voting that hurts some groups. While it may seem like these laws are fair because all of the people within a state that has them are given

the same requirement, access to the required forms of identification is not equal. These laws hurt those who do not have access to proper identification by taking away their eligibility to vote.

Voter ID laws also play a partisan role in elections. According to a 2009 study, voters who were registered as Democrats were more likely not to possess an identification card or driver's license than those registered as Republicans (Barreto, Nuno, and Sanchez 2009). In this same study, Republicans were more likely to have a valid photo ID than Democrats or Independents were (Barreto, Nuno, and Sanchez 2009). It is clear that there is a partisan advantage that comes with voter ID laws. Republicans clearly have an advantage over Democrats and even Independents in meeting voter ID requirements to vote. This itself is incentive for Republicans to push for the implementation of these laws. Doing so would result in Democrats losing votes and Republicans do not have to do any special outreach or try to reach more voters. They can simply pass voter ID laws to get a similar effect.

The effects that voter ID laws have on minority populations can greatly influence election results. In battleground states, states where neither political party has a significant advantage over the other, elections are either won or lost by small margins. In these states, the likelihood that a voter ID law will be passed and implemented is much higher than in states where either party has a significant advantage (Hicks, McKee, Sellers, and Smith 2015). In states where votes matter more because of the competitiveness of elections, voter ID laws have a large effect. They can depress or constrain the minority vote and swing an election. In these cases, the presence of voter ID laws makes a big difference. Since so much is at stake, there is incentive for those in power to pursue demobilization strategies. Voter ID laws give these people the cover of legitimacy that attacks on early voting does not have (Hicks, McKee, Sellers, and Smith 2015).

The way that laws are framed matters, and with voter ID laws, proponents can claim to be fighting voter fraud.

The framing of voter ID laws makes a big difference in getting people to support the passage and implementation of them. With various groups, the knowledge or perceived knowledge that voter ID laws are harmful can determine how much support they get. In a study done on how framing voter ID laws matters, whites were less likely to support voter ID requirements when they thought these laws hurt minorities or elderly voters than they were without this knowledge (Wilson and Brewer 2014). The same result was observed for blacks and Hispanics. People are less likely to support these laws when they are informed of the harm they do. It is much more popular to argue that voter ID laws are only meant to prevent voter fraud.

Proponents of Voter ID laws often argue that the implementation of these will curb voter fraud and keep intact the integrity of elections, but voter fraud is not very common. Voter fraud, the “intentional corruption of the electoral process by the voter”, can and does occur to an extent (Minnite 2007). From 2002 to 2005, a yearly average of eight people were convicted of or pleaded guilty to voter fraud (Minnite 2007). The amount of voter fraud that actually occurs has almost no noticeable effect on elections. The use of this arguments in support of voter ID laws in almost exclusively anecdotal and not a statistically significant justification. The very tiny amount of voter fraud that is found may not be due to a lack of enforcement, but instead may be because there is such a small amount actually happening (Minnite 2007). Another issue with the voter fraud argument is that cases of voter fraud may turn out to be something else when investigated further. Cases can also turn out to be “unsubstantiated or false claims by the loser of a close race, mischief and administrative or voter error” rather than flat out voter fraud (Minnite

2007). Voter fraud may sound like a compelling reason to implement voter ID laws, but the actual amount of this phenomena that occurs does not justify these laws.

Voter ID laws also force elected officials and state government agencies to provide additional information about their requirements. This should not be an issue, but in states with voter ID requirements, officials' offices must answer constituents' emails and telephone calls. This creates more work for these offices and may lead to longer turnaround on communications and could potentially discourage some constituents. In a recent study, it was discovered that there is a correlation between a constituent's race and the amount of time it takes for them to hear back from street-level bureaucrats after emailing them to ask what they need to have to vote. Latinos experienced longer wait times in receiving responses than their white counterparts (White, Nathan, and Faller 2015). In this study, this correlation between ethnicity and bureaucrat response time was observed even in cases where the only response required was a simple "no" answer. These findings are alarming for a couple of reasons. The first reason is that people with ethnic-sounding surnames may actually face a bias in the system when they try to obtain much needed information about how voter ID laws effect the election process. If this is true, if Latinos who send out emails asking about requirements do not plan to ask far enough in advance, they may miss out on elections completely. Especially as election cycles increase the workload of these street level bureaucrats the closer it gets to Election Day. The other reason why these findings are alarming is that, if this bias exists, then voter ID laws may decrease turnout for voters who do have the proper forms of identification to vote and do not know it. For example, if in Texas a voter has a handgun concealed carry license but not a driver's license, state identification card, passport, etc. and if they leave their handgun and license at home when they go to their polling place, then they are not able to vote but potentially could have if only they

knew in advance. In a get-out-the-vote experiment done along the Tennessee-Virginia border, evidence was found that supports this concern. Informing voters about the ID requirements raised voter turnout by 1 percent, and informing voters of this requirement while also offering assistance in obtaining an ID further raised voter turnout (Citrin, Green, and Levy 2014). These differences may seem small, but in battleground states, the states most likely to pass voter ID laws, the boost in turnout could affect election results. There are efforts to curb the negative effects that voter ID laws have on minority turnout.

Federal legislation making voting easier has attempted to address the negative effects of voter ID laws, but failed. The Help America Vote Act of 2002 was part of the trend towards making voting easier for those eligible to cast a ballot. One noteworthy effect of this law on voter ID requirements is that voters can cast a provisional ballot if they do not have a proper form of identification with them when they reach their polling place (Niemi and Dyck 2014). Provisional ballots are then kept separate from regular ballots and voters that cast them are able to then come back with the required ID and have their ballot counted. The issue with this HAVA provision is that voters may cast a provisional ballot and never return with a required ID or they might not even have a required ID at all to return with. In the second case, HAVA does nothing to curb the negative effects on voter turnout.

Where the federal government failed, the states themselves might actually be inadvertently helping voters. In states where there is overlap between voter ID laws and provisions in election codes for absentee ballots, voters without proper forms of identification may still be able to vote. In Indiana, a state with both a voter ID law and an elections code provision for absentee ballots, voters may register to vote by mail without showing any identification (Indiana Secretary of State 2015). The catch is that, in order file an application to

vote absentee-by-mail, voters must prove that they are either disabled, older than 65-years-old, ill, scheduled to work the full 12 hours that the polls are open, that they will be out of the county on Election Day, or they must prove religious exemption (Indiana Secretary of State 2015). The point is that, in certain cases, voters can may cast a ballot without ID under special circumstances.

While voter ID laws may not explicitly target minority groups, but in terms of enforcements, there are cases where states act in ways that seem overtly racist. In Alabama during October of 2015, the state closed 31 of offices that grant driver's licenses (Washington Post 2015). This would be less of a problem if these offices were closed without bias, but that is not the case. Instead, "eight of the 10 counties with the largest non-white populations will be without one" (Washington Post 2015). Alabama closed these offices in a way that will disproportionately effect its non-white population. This inequality further disenfranchises minority voters by removing a way for them to obtain the IDs they need in order to vote. In Alabama, the voter ID law was not written in a way that discusses race and ethnicity at all, but a combination of the implementation of this law and the state's actions undermines election integrity in what seems like an overtly racist move.

Proponents of Voter ID laws often argue that the implementation of these will curb voter fraud, but they reduce turnout among minority voters in order to do this. These laws have a greater cost than reward in that they depress and constrain the minority vote and may be a partisan mechanism. Voter fraud occurs at such insignificant rates, that this justification for voter ID laws is not legitimate. While the federal government has tried to help curb the effects of these laws, it has not been given the power to do this in a meaningful way.

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