**Voter identification in America: Restrictions that inhibit electorate disrupt democracy**

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*Disenfranchisement has been a part of our nation’s history since its inception. When the United States’ Constitution was adopted and ratified in 1787, it did not take a position on voter qualifications or rights.  Instead, those decisions were left to the states, with the predominant qualifications being a white male with property. Today, those laws are revisited only in history books, serving as a pleasant reminder of our nation’s progress.  However, we continue to struggle with voting rights in America.  Over 200 years later – yet only 50 years since the Voting Rights Act of 1965 – persistent issues such as poll worker error and stringent regulation continue to linger.  This research will examine voter identification (ID) laws in the United States, present arguments for and against, as well as explore the ways in which strict identification laws disenfranchise the American voter.  I will demonstrate how restrictive voter ID laws in certain states make it more difficult for voters to cast their ballots, thus inhibiting one of our nation’s greatest freedoms.*

**Historical Context**

Before the Voting Rights Act could come to fruition, another essential piece of legislation had to be enacted. The fifteenth amendment, passed in 1869, states: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by a State on account of race, color or previous condition of servitude” (“Tennessee Journal” 141-142). Although this constitutionally guaranteed men of all races the right to vote, we know that certain groups – particularly men of color – still faced significant obstacles at the polls. Following the end of the Reconstruction era in post-Civil War America, state legislatures in the South began to employ various measures to disenfranchise African-American voters. These measures included, but were not limited to, district gerrymandering, purposeful closing of black polling places, poll taxes, literacy tests, grandfather clauses, and terrorism perpetrated by the Ku Klux Klan (“Tennessee Journal” 143).

One of the most readily documented forms of historical disenfranchisement was the poll tax. According to J. Morgan Kousser, implementing the poll tax reduced overall voter turnout by 16-28% and turnout within the African-American community was nearly cut in half (“The shaping of southern politics” 67). By 1904, each of the former Confederate states had adopted either the poll tax or the cumulative poll tax (Kousser 67). Not until the Voting Rights Act of 1965, and an independent declaration of unconstitutionality by the Supreme Court in 1966, would the poll tax meet its demise (Kousser 67-68). The introduction of the Voting Rights Act set the stage for the modern-day problems that face the American electorate.

Although the days of a poll tax are happily behind us, many citizens today are still restricted by voter ID laws. Section 2 of the Voting Rights Act barred any “voting qualification or prerequisite to voting, or standard, practice or procedure” that denied or abridged a person’s right to vote based on their race (“Tennessee Journal” 147). This part of the law is so integral to voting rights and our democracy as a whole, that it has not been challenged or reauthorized since its inception. Section 5, however, has been more controversial and subject to change. Section 5 “barred certain jurisdictions – including counties, cities or whole states – with a history of discrimination from enacting any changes to their voting laws without approval, or ‘preclearance,’ from the federal government” (Childress).

The 2013 U.S Supreme Court case *Shelby County v. Holder,* ruled that Section 4(b) – which contains the coverage formula that determines which jurisdictions are subjected to preclearance based on their histories of discrimination in voting – is “unconstitutional because the coverage formula is based on data over 40 years old, making it no longer responsive to current needs and therefore an impermissible burden on the constitutional principles of federalism and equal sovereignty of the states” (“Shelby County”). This means that states which previously had to go through the federal government to enact changes in voting procedure and/or registration, no longer have to do so, thus bringing us to the current predicament of voter ID laws. Although the *Shelby* decision cannot be held directly accountable for the legislation that has been adopted in its wake, states now have more freedom to implement the regulations that they see fit. State governments are no longer bound by historical wrongdoings that many people today would argue should no longer be relevant to voter identification legislation.

**Present-day Outlook**

However, since the *Shelby* case was struck down, state legislatures across the country have passed increasingly strict voter ID laws. On October 1st, PBS “Frontline” reporter Sarah Childress launched Ballot Watch, an interactive database of voting laws nationwide. Through this project I have been able to identify which states have implemented changes, and to what extent. For example:

“In the wake of the *Shelby* decision, 6 states – Mississippi, Alabama, Virginia, Texas, North Carolina and Florida – that had been covered under the preclearance requirement implemented new restrictive laws, including stricter voter ID requirements or, in the case of Florida, cutting back on the number of hours during which voters could go to the polls ahead of Election Day” (Childress).

However, it’s not just southern states or those who were subject to preclearance under Section 5 that have enacted strict requirements. These reforms have been taking place nationwide. “Since 2010, 19 states have passed laws that impose restrictions on who can vote,” Childress reported.

“These laws include new voter ID requirements (passed by 14 states), reductions in early voting hours (6 states) and additional prohibitions on voting for felons (4 states). On the other hand, six states have passed laws that expand access for voters, either allowing them to vote in person before Election Day or offering greater leeway for those who vote by mail. Delaware has restored some voting rights for felons.”

To get an idea of what people dealt with at the polls during the midterm elections this November; I’ll dissect the voter ID laws of three different states, all ranging in severity of restrictions. This analysis will begin with the most restrictive and end with more expansive regulations.

*Texas*: In the Lone Star State voters must show one of seven forms of valid state or federal photo ID. If the name on the ID doesn’t match exactly but is “substantially similar,” the voter must first sign an affidavit swearing to his or her identity before being allowed to cast a ballot. Without ID, a voter may cast a provisional ballot which will be counted if he or she returns within six days, either to show an ID, to sign an affidavit attesting to a religious objection to being photographed, or that he or she was unable to procure an ID due to a natural disaster. Additionally, voters are required to provide an excuse as to why they are submitting an absentee ballot, and felons are prohibited from voting while in prison, on parole, and probation. One of the less restrictive aspects of the state’s voting procedures is that voters may go to the polls beginning 17 days before Election Day (“Ballot Watch”).

*South Carolina*: A voter who forgets his or her ID may cast a provisional ballot, which will be counted if he or she returns to show ID before the election is certified, usually the Thursday or Friday after the election. A voter who is unable to obtain a photo ID but has a voter registration card can vote using a provisional ballot after signing an affidavit stating that he or she has a “reasonable impediment” to obtaining photo ID, such as lack of a birth certificate, transportation, or a work schedule conflict. The ballot will then be counted, unless someone can prove the voter is lying about his or her identity or excuse. Although these provisions are more expansive, the state has also implemented stricter laws such that voters must provide an excuse to mail in an absentee ballot and felons are prohibited from voting while in prison, on parole, and probation. Most restrictive is the provision that eliminates early voting (“Ballot Watch”).

*Illinois*: Of the three examples that I have presented, Illinois has the most expansive voting regulations. No document is required to vote, no excuse is required to mail in an absentee ballot, felons are only prohibited from voting while in prison, and early voting begins the third Monday before Election Day (“Ballot Watch”).

Each of these states represents the vast changes that are taking place at the polls today. The problems in Texas seem to be especially troublesome. An October *Huffington Post* article entitled “Federal Court Blocks Texas ID Law, Calling It A ‘Poll Tax’” reported that a federal judge in Texas struck down the state’s voter ID law, calling it an “unconstitutional poll tax” intended to discriminate against Hispanic and African-American citizens that creates “an unconstitutional burden on the right to vote.” On the day of the 2014 midterm elections, the *Huffington Post* published another article detailing voters’ experiences and giving an update on the Texas law. They reported that the state’s new voter ID law was “ruled unconstitutional by a federal court before the Supreme Court allowed it to go forward, at least for the 2014 election, evidently because the majority of the court believed it was too late to revert back to the previous voter ID law” (Reilly).

**Proponents and dissent**

Those in favor of stricter voter ID laws typically present two main arguments: it helps to prevent fraud at the polls and increases voter confidence. On November 19, 2014 the *New York Times* posted an article on The Upshot, a *Times* politics and policy site. The author, Nate Cohn, covers elections, polling, and demographics for The Upshot and was previously a staff writer for *New Republic* – a magazine with a traditionally liberal leaning. In his article “Why Voter ID Laws Don’t Swing Many Elections” he argues that “the so called margin of disenfranchisement – the number of registered voters who do not appear to have photo identification – grossly overstates the potential electoral consequences of these laws.” He goes on to say that many figures perpetuated by various pundits and politicians overstate the number of voters who actually lack identification, and that those without ID are particularly unlikely to vote (Cohn).

He examined a variety of circumstances in which a voter could be misidentified, leading to confusion at the polls such as mismatched names and out-of-date voter rolls. However, Cohn said,

“When all of these mitigating factors come into play, the case for voter ID laws swinging anything but the closest election gets very shaky. The studies ostensibly showing a relationship between voter ID and Republican strength are dubious, at best. The impact of voter ID laws is basically indiscernible in the results.”

The overall tone of this article is that voter ID laws do not significantly impact the results of elections. Although they may inconvenience some groups, he argues that there is not enough evidence to support claims of voter suppression due to new state-wide provisions.

In a 2012 National Press Club Newsmakers news conference, Laura Murphy of the American Civil Liberties Union and Hans von Spakovsky of the Heritage Foundation debated the legalities and nuances of voter ID laws. Spakovsky argued that “the key principle of any election is to make sure who is voting by requiring identification and determining citizenship. Those kinds of requirements also increase public confidence in our election process” (Aldrich). He continued by saying, “Voter identification requirements not only prevent fraud by individuals but also prevent double voting and voting in the names of dead people still on the rolls.” These sentiments express the views of those who believe that voter ID laws serve a necessary role in our electoral process.

Additionally, supporters of stringent voter ID laws cite various international practices as something that our American democracy would be wise to follow. Senate Majority Leader Mitch McConnell, one of the major supporters in Congress of strict identification laws, echoes this sentiment expressed by another prominent supporter: “If ID cards threaten democracy, why does almost every democracy except us require them, and why are their elections conducted better than ours?” (Schaffer and Wang 398) In the Supreme Court oral argument regarding Indiana’s new voter identification law, Justice Alito said, “If [impersonation fraud] is not a problem at all, how do you account for the fact that . . . many other countries around the world have voter ID requirements?” (Schaffer and Wang 398)

The most recent federal legislation to shape the national policies on voter identification laws is the Help America Vote Act (HAVA) of 2002. HAVA mandates that all states verify the identity of first-time voters who register by mail and do not provide verification with their registration application. HAVA also requires that individuals who register by mail provide an acceptable form of identification either with the registration application or at the time they first vote in the state, whether in person or by absentee ballot (Hale and McNeal 281). Additionally, the law mandates that states adopt “compliance legislation” on the subject, which effectively placed the broader issue of voter identification laws on the states (Hale and McNeal 281-282).

*Fraud at the polls*

As discussed above, the main argument for proponents of voter ID laws is that they will prevent fraud at the polls. However, election law experts claim that voter fraud is generally very rare, and when it does happen, it occurs more often through mail-ballots than impersonating eligible voters at the polls (Childress). An *Associated Press* article stated that even supporters of new voter ID laws are hard pressed to come up with large numbers of cases in which someone tried to vote under a false identity. According to election law expert Justin Levitt’s Brennan Center for Justice study entitled “The Truth About Voter Fraud,” voter fraud occurs when “individuals cast ballots despite knowing that they are ineligible to vote, in an attempt to defraud the election system” (4). While this sounds straightforward, Levitt said, “voter fraud is often conflated, intentionally or unintentionally, with other forms of election misconduct or irregularities” (4).

“The most common example of harm wrought by imprecise and inflated claims of ‘voter fraud’ is the call for in-person photo identification requirements. Such photo ID laws are effective *only* in preventing individuals from impersonating other voters at the polls – an occurrence more rare than getting struck by lightning” (Levitt 6).

Throughout his report, Levitt argues that the “voter fraud phantom drives policy that disenfranchises actual legitimate voters, without a corresponding actual benefit” (6). Instead of malicious intent on the part of the voter, more often than not, discrepancies at the polls that could be seen as voter fraud are actually benign errors or inconsistences. In response to these common misconceptions, Levitt outlines several common ways in which these errors occur. He cites clerical or typographical errors, bad “matching,” jumping to conclusions, and voter mistakes as the four overarching categories in which confusion arises (7-11). “Clerical or typographical errors” are defined as errors in the poll books and errors in registration records; “bad ‘matching’” includes errors in the underlying data, partial matches, and the ‘birthdate’ problem; “jumping to conclusions” includes dual registration, death records, criminal records, returned mail, unusual addresses, and records compiled for a different purpose; lastly, “voter mistakes” are classified as people who are in fact ineligible to vote, but mistakenly cast a ballot anyway (Levitt 7- 11).

Those who oppose the new laws say that they are the equivalent of poll taxes and literacy tests that effectively keep minorities out of voting booths (“Voter ID Laws”).

“They argue that blacks, Hispanics, senior citizens, people with disabilities and the poor are more likely to lack the required photo ID. But they also contend others could be disenfranchised: voters who fail to bring ID with them; students whose school IDs are deemed unacceptable; people whose driver’s licenses have expired; women whose driver’s licenses do not reflect their married names or new addresses” (“Voter ID Laws”).

Additionally, a 2010 analysis by Lorraine Minnite at the University of Rutgers found that even after the Justice Department launched a thorough campaign to root out voter fraud under the George W. Bush administration, more people were charged with violating migratory bird laws and committing national park violations than election fraud (Childress). Christensen and Schultz point out in their article that “most legal scholars” argue against voter ID laws, citing the undue burden on voters, equating that burden to a poll tax, noting the greater harm from vote suppression, or arguing that ID laws disenfranchise political minorities (“Identifying Election Fraud” 312).

Christensen and Schultz believe that the easiest measure that governments can take to ensure integrity at the ballot box is not voter ID laws or “cleaning up the registration list,” but rather “increasing the access and comprehensiveness of information contained in registration rolls and voting histories” (332). States could also make available the current voter registration list, as well as the list that was current as of the day of a specific election (Christensen and Schultz 332). Or, the authors conclude, states could facilitate access to the rolls by reducing fees and eliminating restrictions on the use of the rolls for political research purposes (332). “Enhancing the type of information collected, archiving past voter rolls, and facilitating access to these records would not infringe on voter privacy,” the authors argue, “and would not create an additional reporting burden for states that already collect this information in their voter files” (333).

“The more information from state voter files that is made public and is easily accessible, the better each campaign in an election can police the efforts of its opponents and ensure the integrity and quality of that election. Indeed, the record of documented cases of recent election fraud all suggest the role that private monitoring of election records by opposing campaigns plays in ensuring election integrity” (Christensen and Schultz 333).

Hale and McNeal cite authors in their study who argue, “Empirical connections between voter identification methods and incidents of election fraud have been difficult to establish and to quantify despite ample discussion of the possibility of fraud as a rationale for more stringent identification methods” (“Election Administration Reform” 282). Hale and McNeal also acknowledge, however, that research on the effects of current voter identification practices is growing but difficult to measure due to the differences in state practices and the methods by which analyses are conducted. Some studies link voter identification requirements to lower rates of participation in elections across the states, while other studies find that particular minority groups are less likely to possess particular forms of identification, or they find that specific demographic groups are negatively affected by more stringent identification requirements (Hale and McNeal 282). Later in this paper I will explore one such study by scholars who documented the effects that voter ID laws have on turnout at the polls.

*“Everyone else is doing it”*

Schaffer and Wang’s analysis in “Is Everyone Else Doing It? Indiana’s Voter Identification Law in International Perspective” argues that the “everyone else is doing it” claim is exaggerated. “While many countries require identification for voting,” the authors said, “many do not.”

“Countries that do not require identification include Denmark, Australia, New Zealand, and the United Kingdom (with the exception of Northern Ireland). In Norway, Ireland, and the Netherlands, voters are required to present identification only if it is requested by a poll worker. In Switzerland, every registered voter is sent a registration card prior to an election, and if the voter brings her registration card to the polling place, no additional identification is needed” (Schaffer and Wang 398).

The authors’ report is one that highlights many arguments against such strict laws – such as those in Indiana – and posits that they endanger certain aspects of our democracy. “The Indiana voter identification law, with the exception of its provisions for absentee voters, is far more restrictive than many of the identification laws enacted elsewhere around the world; and even some of these less restrictive laws carry significant dangers of disenfranchisement” (Schaffer and Wang 399). The Indiana law requires that voters must present a federal or state-issued ID showing their name and an expiration date that is either current or that expired after the last general election. If the voter does not have the correct form of identification when they arrive at the polls they may cast a provisional ballot, which is counted only if they return the ballot within six days with an ID, or the voter can sign an affidavit stating that they are indignant or have a religious objection to being photographed (“Ballot Watch”).

While it is acknowledged that not all democracies require their citizens to present identification when voting, even when Indiana is compared to countries that do have ID requirements, it is still clear that this state is in many ways an outlier in terms of its requirements. For example, the new law is relatively restrictive in the kinds of identification allowed, it is now more difficult for voters to obtain the necessary identification, there are more burdens placed on voters who do not possess identification on Election Day, and the law attaches “onerous restrictions to identification exemptions – with the ironic exception of fraud-prone absentee balloting” (Schaffer and Wang 406). As stated in the previous section, one of the main arguments that voter identification proponents cite is the danger of voter fraud. However, in Indiana’s case, “Instances of the kind of fraud this law prevents are nonexistent in Indiana (and exceedingly rare in the United States as a whole)” (Schaffer and Wang 407). Additionally, the authors said:

“Indiana state leaders conceded that there has never been a case of in-person polling place impersonation in the entire history of the state. During hearings on the voter identification bill, in fact, all the Secretary of State could point to were instances of mail- in absentee ballot fraud – yet the bill specifically exempted mail-in absentee ballot voters from the identification requirement” (407).

If there was a case to be made that voter fraud is an issue in Indiana, the data would support absentee ballot fraud rather than in-person voter fraud. Ironically, however, “when it comes to identification requirements for mail-in absentee voters, Indiana law is relatively lax” (Schaffer and Wang 404). One would think that people would be less likely to attempt impersonation at the polls rather than submit a false absentee ballot where the risk of getting caught is much lower. However, the Hoosier State has taken a decidedly different approach to curbing voter fraud. “Unlike countries such as Spain and Canada – which require absentee ballot applications – Indiana has no identification requirement in place. Indiana’s leniency on this count is all the more ironic insofar as absentee balloting in Indiana, and in the United States more generally, has in fact been prone to fraud” (Schaffer and Wang 404).

**Disenfranchisement of the eligible voter**

Voter identification laws are an issue on which my perceptions and opinions are evolving often. Over the past year I have learned a great deal about voter ID laws and their effect on our nation’s electorate. When I originally started learning about the issue my first thought was to agree with those who support showing identification at the polls. I immediately thought to all of the things that we have to show ID for in this country – vastly inconsequential things in comparison – such as obtaining a library card or renting a car. I thought, “If I have to show ID to do basic, remedial tasks, shouldn’t I be required to validate my identity when I go to vote?” and “If you are a legal citizen, how can you be living in this country without proper identification?”

However, I have grown to see how these opinions only scratch the surface of the complexities of our voting procedures and how something that seems simple to me – like showing my driver’s license to a poll worker – could deter someone else from voting. As explained throughout my paper, there are large swaths of the electorate for which obtaining the proper identification could prove very difficult, especially in states like Texas, where the provisions are currently highly restrictive.

For example, a 22-year-old graduate student at the University of Texas at Austin registered to vote almost as soon as she arrived in the state. However, she later discovered that she was not able to vote with her out-of-state license. The only reason she ended up being able to vote was because she had her passport. The student also added that other friends from out of state didn’t register to vote because they thought that the new law required them to have a Texas driver’s license. (Liebelson and Reilly). The same article in the *Huffington Post* also said,

“The ramifications of congressional inaction are now being felt not only by Texas voters, but residents of a number of other states as well. In Georgia, voters who believed they were registered reported being turned away because officials failed to process a number of voter registration forms that were submitted by an outside group. In North Carolina, a law in effect for the first time this year bans people from voting unless they show up at a specific precinct. Many voters in the state have reported time-consuming delays because they were not allowed to cast a ballot when they showed up at the wrong polling location.”

These are all troubling accounts of what can happen when laws are put in place that severely inconvenience qualified citizens from exercising their constitutional right to vote. For a nation that is constantly talking about disappointment with low turnout at the polls, it seems odd to me that those same politicians are in favor of regulations that would further dissuade Americans from participating in the electoral process. I find it hard to believe that there is a large enough portion of the population voting maliciously or illegally to warrant such restrictions. Arbitrarily restricting otherwise qualified citizens from casting their ballots is a violation of one of our most basic liberties as Americans, and one that, when manipulated to the point of disenfranchisement, severely disables our nation’s democracy.

*Poll worker error*

In addition to the inconvenience that is placed on voters, poll workers are also subjected to more stress and pressure due to all of the new procedures. On Election Day, poll workers are responsible for setting up and taking down the polling location, verifying the identity of each voter, helping voters by providing a ballot or directing them toward the voting machine, and helping to keep the polling location running smoothly (Watts 177). Duties also include screening voters by checking poll lists and, when required, checking a voter’s photo ID (Watts 177). “This is one of a poll worker’s most important tasks on Election Day because poll workers may turn away a voter, or request that the voter cast a provisional ballot, if the poll worker is unable to locate the individual’s name or confirm his or her identification” (Watts 177). In this article, the author argues that when considering the constitutionality of the difficult-to-administer voter ID laws, courts should factor in the likelihood of poll worker error as a burden on voters (Watts 178).

With limited federal oversight, states establish their own rules regarding the responsibilities and conduct of poll workers on and before Election Day (Watts 189). Despite the increase in voting by mail, either through a complete vote-by-mail system such as in Washington, or by no-fault absentee voting, such as in Montana, the vast majority of Americans still vote at polling places on Election Day (Watts 190). That being said, a great amount of trust is placed with these poll workers to efficiently and effectively proceed over their polling locations. Without them, the system would collapse. “Indeed, the EAC has noted that elections ‘cannot operate without the army of citizens who are willing to staff the polls every Election Day’” (Watts 191). In the 2010 midterm elections nearly 800,000 poll workers served 57.1 million in-person voters (Watts 191).

The tasks that poll workers are trusted with are extensive and at times complex. “In fact, one scholar suggests that in order to perform these tasks effectively, while ensuring that citizens’ right to vote is protected, poll workers need extensive quasi-legal training” (Watts 192). However, this is rarely, if ever, the case. In many jurisdictions, poll workers oversee elections without direct supervision by elected or appointed election officials (Watts 193). According to a 2008 Election Assistance Commission (EAC) survey of 4,517 jurisdictions, over one third reported having a somewhat difficult or very difficult time recruiting poll workers (Watts 195). Additionally, a study conducted following the 2008 election found that 36% of small and 80% of large jurisdictions require poll training before every election (Watts 196). That’s a significant number for the large jurisdictions, but in the small towns, much less than half of poll workers are being re-trained before every election.

In Indiana, where voters must present a federal or state-issued photo ID showing their name and an expiration date that is either current or that expired after the last general election, “poll workers are responsible for determining whether a voter presents proper identification. A voter’s identification is only proper if the name on the identification ‘conforms’ to that listed in the voting roles” (Watts 198-199). However, their training materials do not instruct them on how to interpret an ID that presents an unusual nickname, misspelling, or changed last name (Watts 199). Because those examples can be common occurrences, “whether a voter’s ID conforms to his or her name as listed in the poll books can be up to the poll worker’s judgment” (Watts 199). Watts concludes the article by presenting three ways in which poll worker error can disenfranchise voters.

“When checking a voter’s identification, a poll worker may fail to match that identification with the voter’s name in the poll book. Similarly, the poll worker may be unclear about the types of identification that their jurisdictions accept. Finally, poll workers may be unsure about the status of the law in their jurisdiction” (213).

In my opinion, the arguments and research that the author presents in this article should contribute to the discussion surrounding voter ID laws. Restrictive procedures place a certain burden not only on the voter, but on those running the polling locations as well. I think that it is asking a lot of these people to be able to interpret often complex laws with minimal training and little, if any, legal background. If stringent voter ID laws become commonplace across the country, much more intensive training for poll workers will be a necessity if our country hopes to remain an inclusive democracy in which all eligible men and women can exercise their right to vote.

*Party affiliation, political culture, and required documentation*

In addition to the problems that arise with poll worker error, there is also the potential for the disenfranchisement of eligible voters. A 2007 study of registered voters in Indiana found that more than 17% of those registered did not have the necessary identification to cast in-person ballots under the state’s new law (Schaffer and Wang 405). The law requires that voters must present a federal or state-issued ID showing their name and an expiration date that is either current or that expired after the last general election (“Ballot Watch”). According to Schaffer and Wang, the state of Indiana’s most conservative estimates show that at least 43,000 Indianans lack the forms of photo identification required to vote. However, the authors said, “Opponents argue the number is ten times that” (406).

Hale and McNeal’s findings showed through their empirical models that there are two political factors in particular that are strong predictors of stringency in state voter identification requirements (290). The authors studied three election cycles: 2002, 2004, and 2006 in order to obtain this data. Across these cycles they concluded that party control of state government and state political culture are “consistently significant and the relationships are in the expected direction” (290). Based on the data that they gathered, the authors found that states controlled by Republicans and with a predominantly traditionalist political culture were consistently more likely to adopt voter identification laws that were relatively more strict than those of other states (290). “Historically, traditionalist states have been slow to encourage broad participation in elections,” Hale and McNeal said.

“Since at least 2000, Republican Party officials have enthusiastically embraced more stringent methods of identification, including requirements for photo identification, as a protection against election fraud. During the time of this study, the country’s most stringent provisions were adopted in Indiana and Florida, both states dominated by Republican governors and legislators” (Hale and McNeal 290-291).

In order to show the relative influence of party control and political culture on states’ adaptation of voter ID laws; Hale and McNeal provided estimates of the probability that a state will adopt a specific level of voter ID requirements, with party control as the main independent variable. The authors’ simulation illustrates the influence of party control on the method of voter identification in several ways. First, across all election years (2002, 2004, and 2006), Democratic control of state government was accompanied by an increase in the likelihood that the state utilized the least restrictive voter identification requirements of the time (Hale & McNeal 294). In 2002, for example, the likelihood of adopting the least restrictive voter identification method was 40.8% for Democrat-controlled states compared with 13.7% for Republican-controlled states (Hale and McNeal 294). The difference is even more pronounced in the presidential election of 2004; Republican control of state government decreases the likelihood of adopting the least restrictive approach to voter identification by nearly 60 points, from 63.7% to 4.7% (Hale and McNeal 294).

Along with party control, the authors concluded that political culture was also a significant predictor of states’ decisions on voter identification laws. States with a dominant traditionalist political culture were more likely to be associated with stringent voter identification practices than other states in the three election cycles studied (Hale and McNeal 296). In 2002, traditionalist states were also more likely to have established restrictive identification laws compared to other states (296). In the years since the Help America Vote Act of 2002, this difference has continued to grow. Hale and McNeal’s findings reported that in the traditionalist states of 2004, the likelihood that state law would require voters to present a voter registration card or any other form of identification was 79.3%, a 32.8% increase from 2002 (296). Compared to other states at the time, the likelihood that voters would be required to present a voter registration card – or some other form of ID – was only 20.9% (Hale and McNeal 296).

Additionally, increased racial and ethnic diversity was found to be a significant predictor of stringent identification practices. Hale and McNeal found that states with greater racial and ethnic diversity were more likely to adopt a method of identification that was relatively more stringent than other states (291). According to their research, “As racial and ethnic diversity increases, states tend to adopt policies less favorable to minority interests. Following 2000, voter registration drives were aimed at increasing minority registration and voter participation across the states. Relatedly, these drives were also seen as increasing electoral participation on behalf of Democratic candidates” (291).

As Schaffer and Wang observed in their analysis of Indiana’s voter ID laws compared with those of other established democracies, the requirements that are in place in order to obtain proper documentation to vote are “dizzying” (401). If a prospective voter does not already have a current driver’s license or passport with a name that matches the name filled out on the voter registration form, that person will face many difficulties when they reach their polling place (Schaffer and Wang 401-402). The authors also acknowledge the physical limitations that come into play for some eligible voters. “Even with the proper documentation in hand, there are time and transportation problems to overcome. To obtain Indiana photo identification, for example, Indianans must go to the Bureau of Motor Vehicles (BMV)” (402). While this may seem like a simple and straightforward task for most people, there still remains a significant portion of the American electorate for whom traveling to obtain the proper identification would prove difficult. In his dissent of the Indiana decision, Justice Souter said:

“The burden of traveling to a [BMV office] is probably serious for many of the individuals who lack photo identification. They almost certainly will not own cars . . . and public transportation in Indiana is fairly limited. According to a report published by Indiana’s Department of Transportation in August 2007, 21 of Indiana’s 92 counties have no public transportation system at all, and as of 2000, nearly 1 in every 10 voters lived within 1 of these 21 counties” (Schaffer and Wang 401).

Schaffer and Wang reported that there are people in rural Indiana counties who live up to forty-five minutes from the closest BMV (402). As a part of their international comparison, the authors cite Spain, Malta, and Mexico as countries that, unlike Indiana, utilize mobile units to assist individuals who might have trouble getting to the appropriate office (402). They argue, “Indiana, in other words, has failed to put in place any of the measures variously adopted in other parts of the world to make photo identification widely accessible” (402).

**How is voter turnout affected?**

Because HAVA and the ensuing laws are still new to the electoral landscape in America, there is little research on the effect that voter identification requirements, of any form, have on the participation of registered voters. R. Michael Alvarez, Delia Bailey, and Jonathan N. Katz, however, are a few of the scholars who provide answers to this question by “documenting the effect of voter identification requirements on registered voters as they were imposed in the 2000 and 2004 presidential elections, and in the 2002 and 2006 midterm elections” (“The Effect of Voter Identification Laws” 3). In this paper the authors employ a theoretical framework and data from the Census CPS Voter Supplement in order to provide a clear picture of the American voter. The CPS Voter Supplement provides a relatively large sample of the electorate – 120,000 people per year – which, according to the authors, is large enough that they can “attempt to estimate the effects of voter identification requirements for sub-populations of the electorate (racial and ethnic minorities), and so that we can get variation in the requirements themselves across states” (Alvarez et al. 5). In addition to this data, a theoretical premise is also established in the paper. This premise is the theoretical basis for most work on voter participation: the cost-benefit calculus of voter turnout articulated in early work on rational choice (Alvarez et al. 6).

“The key assumptions of this calculus of voter turnout are that voters are rational, that they are aware of the costs and benefits of participating in an election, and they behave according to the relative comparison of the costs and benefits. Thus, if it is too costly for them to participate – if for example the barriers to participation are high relative to the returns, with the barriers being such things as registration requirements, long lines at polling places, inaccessible voting locations, and other similar factors – they will not cast a ballot on election day” (Alvarez et al. 6).

Because this study was most interested in the effect of voter identification laws on individual subgroups of voters – not on state-wide trends – the authors analyzed the individual responses from the Current Population Survey in 2000, 2002, 2004 and 2006 (Alvarez et al. 14). In addition to answering questions about voter registration and turnout, respondents to the CPS provide basic demographic information, such as their education level, age, income, sex, and race (Alvarez et al. 14). “Not only do we use these demographic questions to control for varying propensities of turnout based on individual characteristics,” the authors said, “we also are able to determine whether voter identification requirements are affecting certain groups disproportionately after controlling for other factors” (14).

The authors conclude that there is evidence to support the claim that the most restrictive forms of voter identification requirements do lead to lower levels of participation by registered voters (20). Based on their estimates from “individual level data” they were able to show that “the stricter requirements – requirements more than merely presenting a non-photo identification card – are significant negative burdens on voters, relative to a weaker requirement, such as merely signing a poll-book” (Alvarez et al. 17). Additionally, the study sought to determine any relationship between voter ID laws and turnout from racial minorities by answering the question, “Do voter identification requirements, especially stricter ones, depress the likelihood of turnout more for non-White registered voters than for White registered voters?” (Alvarez et al. 17). Their models showed that there was no evidence supporting the claim that strict voter identification requirements are “racially discriminatory” (Alvarez et al. 18).

However, the authors note that they must also control for socioeconomic status in their analysis because race is “highly, but not perfectly correlated” with socioeconomic status (18). These variables include education, age, and income. It is hypothesized that registered voters who are less educated, low income, and who are younger are more likely to be deterred from voting by strict identification laws (Alvarez et al. 19). The authors’ models show that as the voter identification requirements become more restrictive, registered voters at the “lower end of the educational attainment scale” are less likely to participate (Alvarez et al. 20). “For example, in states that require only that a registered voter provide their name, or sign their names, relative to states that require that a registered voter produce a photographic identification, registered voters with only some high school are significantly less likely to vote, whether the registered voter is White or non-White” (Alvarez et al. 20). It is also noted that there is little evidence to support the hypothesis that younger voters would be significantly less likely to vote in states with strict ID laws (Alvarez et al. 20). Lastly, the authors said,

“As expected, voters with lower levels of income are less likely to vote under the more restrictive voter identification regimes; comparing again the extremes of states that simply require the voter provide their name, to those states that require a photographic identification from the registered voter in order to cast a ballot, we see that lower income registered voters in both racial categories in the latter type are significantly less likely to vote” (20).

Jack Citrin, Donald P. Green, and Morris Levy conducted a study in which they compiled results from a direct mail get-out-the-vote (GOTV) experiment in order to gauge if notifying voters ahead of time of new identification requirements would affect turnout (“The Effects of Voter ID Notification” 228). The experiment was conducted during the run-up to the 2012 presidential election in “counties along the Tennessee-Virginia border and in heavily African American precincts in Roanoke and Knoxville” (Citrin et al. 228). The authors’ experiment yielded the following:

“Results indicate that informing low-propensity voters of new identification requirements raises turnout by approximately one percentage point. Messages providing details about ID requirements and offering to help recipients obtain acceptable ID appear somewhat more effective than messages only pointing out the need to bring proof of identification. These mailings, which have similar effects in both states, also appear to raise turnout among others in the recipients’ households. Overall, we find no evidence that calling attention to voter identification requirements dissuades voters from voting” (228).

Virginia and Tennessee adopted new voter ID laws after the 2010 midterm elections. Tennessee’s law requires voters to present one of several approved forms of photo identification while Virginia’s law allows for a wider range of identification such as bank statements or utility bills that show the voter’s name and address (Citrin et al. 229). The authors conducted the experiment by comparing voter turnout in an unsolicited control group to randomly assigned groups that received one of three mailings:

(1) A simple *reminder* to vote on Election Day (“Reminder”)

(2) A terse *warning* that voters are required to show identification at the polls (“Warning”)

(3) A message that both warns of the need for ID and also provides *help* in the form of information about which identification documents are required and how voters can obtain help in acquiring them (“Help”) (229)

Although one might be inclined to think that after receiving a “Warning” about the severity of identification requirements voters would be deterred from casting a ballot, this hypothesis turned out to be incorrect. “Breaking down the results by state,” the authors said, “we again find little support for the hypothesis that notification of ID requirements depresses turnout” (Citrin et al. 235). Voter turnout amongst residents in the “Warning” group was 40.92%, approximately one percentage point higher than in the control group (Citrin et al. 235). Turnout in the “Help” group was slightly higher (41.08%) than in the “Warning” group, “suggesting that the extra encouragement in the Help message may have nudged turnout upwards. In each of the four regions, the Help message appears to raise turnout, with positive effects ranging from 0.66 to 2.03 percentage points” (Citrin et al. 235).

**Conclusion**

Throughout this paper I have presented research from a range of scholars and journalists documenting the ways in which voter identification laws adopted in the last five years have changed the way that Americans cast their ballots in many states. While this is a relatively new field of research that still has many nuances to be developed, my paper highlighted voter ID laws in the United States, presented arguments for and against, in addition to exploring the ways in which strict identification laws make it more difficult for voters to cast their ballots. Whether a voter is inhibited by poll worker error, partisan preferences, or lack of access to required identification, research has shown that certain aspects of requirements implemented in many states across the country impose undue burdens on many registered voters. Although studies have shown that more stringent regulation does not disproportionately affect racial minorities, they do in fact have a significant negative impact on low income voters. Even though I see the validity in wanting to accurately identify everyone who is voting, much research has been done to show that in-person voter fraud is not the problem that proponents of strict regulation like to assert. When Americans who are legally eligible to vote but are unable to do so, or are significantly burdened by the obstacles in their way, I see that as a dangerous affront to our nation’s democracy. In order to continuing progressing as a nation, our government must do what it can to promote and encourage electoral participation rather than burden its citizens with restrictions that unfortunately impact some of society’s most vulnerable members.

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